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FALL 2005

IN THIS ISSUE

Is Forum  
Shopping Unethical?

Loyola Law Celebrates  
85 Years of Success

Ethical Issues in a  
Public Interest Law Firm

Alumni, Student, Faculty,  
& Campus Updates

# LOYOLA LAWYER

LAW SCHOOL | LOS ANGELES





**David W. Burcham '84**  
Fritz B. Burns Dean and Professor of Law

# A NOTE FROM THE Dean

I am proud to be a graduate of Loyola Law School. Dedicated to legal ethics, social justice and the public interest, it has produced top attorneys for nearly a century. This year's *Lawyer* captures our accomplishments over the last year, highlighting our faculty, students, alumni and programs.

Let me recap the terrific things happening here:

**Our campus is complete**—it took thirty years and \$45 million, but now our award-winning Frank Gehry-designed campus is finished. It's an academic village adjacent to the epicenter of a legal, financial and media capital.

**Our applicant pool is dynamic and growing**—Loyola Law School is now one of the most popular law schools in the nation.

**Our students are motivated, talented and diverse**—Loyola Law students have stronger test scores, GPAs and experience than ever before. Loyola Law ranks sixth nationwide in ethnic diversity.

**Our professors are gifted teachers and scholars**—Loyola Law School faculty are superb—they include former US Supreme Court clerks, public interest lawyers, agency chiefs and law firm partners.

**Our programs are distinct and cutting-edge**—Loyola Law has a full roster of programs—like the Center for Ethical Advocacy, the Cancer Legal Resource Center, the Public Interest Law Program and the Center for Juvenile Justice and Policy—that provide unique educational experiences for our students and contribute to legal scholarship and social justice.

**Our alumni are distinguished and prominent**—We claim not only well-known legal “stars” but also countless alumni who are partners, who serve in the judiciary at every level and who are devoted to the public interest.

**Our endowment campaign is in full swing**—We are well on our way to meeting our goal of raising \$40 million over six years. Friends and alums have pledged their support, and I hope many others will join them.

Please enjoy this edition of the *Lawyer* as much as I did, and I look forward to seeing you soon.

Best regards,  
David W. Burcham

TABLE OF CONTENTS:

**A Note from the Dean** ..... **1**

**FEATURE ARTICLES:**

**Is Forum Shopping Unethical?** ..... **4**  
By Georgene M. Vairo

**Loyola Law School Celebrates 85 Years of Success** ..... **10**  
By Eloise Teklu

**Ethical Issues in a Public Interest Law Firm** ..... **12**  
By Gary Williams

**AROUND CAMPUS:**

**From Italy to Inglewood—New Programs at Loyola Law School** ..... **18**

**Professor Richard L. Hasen Named  
William H. Hannon Distinguished Professor of Law** ..... **20**

**Loyola Law School Events** ..... **22**

**LOYOLA ALUMNI:**

**Reaching the Summit** ..... **26**

**Alumni Profiles** ..... **30**

**First Day, New Job** ..... **34**  
By Jennifer Noe Pahre '86

**LOYOLA FACULTY:**

**Loyola Welcomes New Associate Professors** ..... **36**

**Spotlight on Faculty Support Services** ..... **38**

**Faculty Updates** ..... **40**

**LOYOLA STUDENTS:**

**Students Reinvigorate International Law Society** ..... **46**

**Loyola Law School Students Prepare Tax Returns for Needy** ..... **47**

**Student Profiles** ..... **48**

**Insight on the Evening Division** ..... **50**

**@LOYOLA LAW:**

**Gold Steps Down as Associate Dean** ..... **52**

**Meet Loyola's New Deans** ..... **53**

**Loyola Welcomes New Library Director** ..... **55**

**In Memoriam** ..... **56**

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# IS FORUM SHOPPING UNETHICAL?

By Professor Georgene M. Vairo  
Loyola Law School Los Angeles

## INTRODUCTION TO FORUM SHOPPING

Even though many of Loyola's graduates go on to successful careers as civil litigators, many of you, no doubt, remember with some dread one of the first cases you read in your Civil Procedure class: *Pennoyer v. Neff*.<sup>1</sup> In fact, you might have asked yourself why we law professors felt compelled to torture you with a case that we ultimately told you has so little modern application. Well, you might recall that we used the case to introduce you to the important concept of personal jurisdiction. Then, you may recall that we took an even more confusing plunge into the arcane world of federal subject matter jurisdiction and venue.

You may have asked yourselves more than once: "What is the point of this?" "Why do we have to know this?" As we tried to impress on you at the time, and you all know by now, the successful litigant is often the one who succeeds in litigating a case in his or her preferred forum. Is it ethical for a lawyer to try to steer a case to the forum where her client is likely to get the best deal? Is so-called "forum shopping" unethical?

This is an important question that has been taking up the time and energy of Congress. The recently enacted Class Action Fairness Act of 2005 (CAFA),<sup>2</sup> signed by President Bush on February 18, 2005, is viewed by its supporters as an important tool in defeating forum shopping. You can read that to mean: It is an important tool for defendants to use when they do not like the state court forum in which the plaintiff brought class action claims against them. The Act generally allows class actions to be removed from state court to federal court.<sup>3</sup> Of course, the irony is that by allowing the defendants to remove the case, the Act is a forum shopping tool for defendants. Of course, plaintiffs start the forum shopping by initially choosing the forum in which to sue: state court or federal court, a court in a particular state or county or district within a state. But, defendants have forum shopping tools too: removal, dismissal on *forum non conveniens* grounds, etc. Both sides do it, which brings us to the question this article poses: Is forum shopping unethical?

<sup>1</sup> 95 US 714 (1877).  
<sup>2</sup> P.L. 109-2.  
<sup>3</sup> 28 USC. § 1453(b).

## WHEN IS FORUM SHOPPING ETHICAL?

I have been writing a bi-monthly column on forum selection for the *National Law Journal* for about ten years. It would be silly for the *National Law Journal* to run a forum selection column if the practice were a bad or unethical thing. So, forum selection, ie, the process of choosing among various proper fora for resolving a case, must be a good thing even though most of us picked up in law school the notion that somehow forum shopping is evil. Congress and President Bush obviously agree, and we still see all kinds of references to “outrageous” and blatant forum shopping that needs to be stamped out. For example, the purpose of the CAFA, as Senator Arlen Specter, chair of the Senate Judiciary Committee, put it, is “to prevent judge shopping to states and even counties where courts and judges have a prejudicial predisposition on cases. Regrettably, the history has been that there are some states in the United States and even some counties where there is forum shopping, which means that lawyers will look to that particular state, that particular county, to get an advantage.”<sup>4</sup>

As suggested above, however, what may appear to be evil forum shopping to one side, may simply be crafty use of available forum selection tools. Semantics: I deliberately used the title “Forum Selection” for my column to avoid the baggage that goes along with the term “Forum Shopping.” Let me suggest a way of distinguishing between ethical forum shopping or selection, on the one hand, and bad forum selection or shopping on the other:

In my view, a plaintiff’s lawyer is guilty of malpractice if he or she does not consider what forum is the best forum for resolving a client’s dispute. And, a defense attorney similarly disserves a client if no attention is paid to whether a case can be better resolved in a different jurisdiction. Forum selection analysis is thus not only an ethical practice, but it would be unethical not to engage in it because the client’s cause may be better served in a different forum. Knowledge of the rules of personal jurisdiction, subject matter jurisdiction, venue and the like are critical to a successful forum selection battle—that is why so much time in the Civil Procedure course is devoted to those topics.

Accordingly, if there is a reasonable argument for pursuing claims in a particular forum, an attorney has a duty to consider whether to litigate there. Perhaps the downsides of defeat are too great to risk the necessary resources, but certainly there should be no ethical bar to doing so. Trying to stay in state court, for example, and out of federal court may appear manipulative, but it is nothing new. And, the courts generally agree. For example, take the facts of a Ninth Circuit case, *Baddie v. Berkeley Farms, Inc.*<sup>5</sup> The plaintiff filed a lawsuit in state court alleging state law and federal claims. The defendants removed the case to the federal court based on the plaintiff’s federal law claim allegations. Once in federal court, the plaintiff filed an amended complaint and sought a remand to state court. The defendant moved for sanctions.

**The Ninth Circuit properly ruled: “A plaintiff is entitled to file both state and federal causes of action in state court. The defendant is entitled to remove. The plaintiff is entitled to settle certain claims or dismiss them with leave of the court. The district court has discretion to grant or deny remand. Those are the pieces that comprise plaintiffs’ allegedly manipulative pleading practices. We are not convinced that such practices were anything to be discouraged.”**

Lawyers should not be criticized or punished for forum shopping unless the forum they have chosen plainly lacks jurisdiction over the parties or the subject matter of the dispute, or otherwise,

<sup>4</sup> 151 Cong. Rec. § 999.

<sup>5</sup> 64 F.3d 487, 490-91 (9th Cir. 1995).

<sup>6</sup> See *Sussman v. Bank of Israel*, 56 F.3d 450 (2d Cir. 1995) (The court found that it was not sanctionable to file colorable claims in a proper but inconvenient forum for the purpose of exerting settlement pressure on a related case).







under the applicable forum selection rules, is an improper forum.<sup>6</sup> Rather, they should be applauded for knowing the rules of jurisdiction and venue and engaging in the appropriate and necessary practice of forum selection. To put it another way, forum shopping is bad and evil if we mean the bringing of frivolous claims in an improper forum, either because the attorney failed to understand the applicable forum selection rules or because he or she filed there despite those rules. Unless that test is met, however, whether we call it forum shopping, or manipulative pleading or forum selection, lawyers should not fear damage to their reputations or sanctions for engaging in it.

#### FORUM SHOPPING/SELECTION MAY BE ETHICAL, BUT SHOULD IT BE CURTAILED?

Forum jostling can be unsettling for both sides. While plaintiffs' attorneys complain of being deprived of their chosen forum when defendants succeed in removing a case or having it dismissed on *forum non conveniens* grounds, corporate defendants complain of being sued in "judicial hellholes." Although the problem may have been overstated, some state courts, and certain counties within some states, became magnets for plaintiffs in certain forms of litigation.<sup>7</sup> Political pressure led to efforts on the federal level to curb plaintiffs' forum shopping. CAFA, mentioned above, is a significant outgrowth of that initiative. The essential purpose of CAFA is to provide expanded federal jurisdiction over class actions and other complex state claim-based litigation. Generally speaking, CAFA would provide for expanded federal jurisdiction over class actions in which there is minimal diversity. It further contains a removal provision that allows for any such case filed as a class action in state court to be removed to federal court.

Thus, for example, plaintiffs may no longer control the forum selection battle by suing non-diverse defendants, or in-state defendants. Previously, plaintiffs' lawyers could take advantage of the complete diversity rule to defeat defendants' rights to remove a case. Or, by naming an in-state defendant, plaintiffs could seek a remand to state court by invoking a provision in the removal statute that prohibits the removal of diversity-based cases if any defendant is a citizen of the forum state. Although there are numerous ways that plaintiffs will be able to plead around CAFA,

CAFA certainly tilts the forum selection battle in favor of defendants in class action cases.

CAFA is another step by Congress and President Bush to reign in what they see as forum shopping abuses in the civil justice system. For example, the pending Litigation Abuse Reform Act,<sup>8</sup> which is primarily aimed at restoring Federal Rule of Civil Procedure 11 to its full, 1983 draconian version, also contains a provision that would restrict the venue for litigation, in state and federal courts, to the state in which the plaintiff is domiciled or was injured, or where the defendant is doing business.<sup>9</sup>

**In my view, a plaintiff's lawyer is guilty of malpractice if he or she does not consider what forum is the best forum for resolving a client's dispute.**

Tort reform through jurisdictional and other controls on choice of forum is occurring on the state level as well. Some states that were perceived as plaintiff-friendly also adopted anti-forum shopping measures to control state judiciaries.<sup>10</sup> The Gulf states, which had been and to some extent still are important state court fora, have witnessed legislation that requires state court judges to behave more like federal judges.<sup>11</sup>

CAFA is not the first recent attempt by Congress to control forum shopping. Congress passed, and President Clinton signed into law, the Securities Litigation Uniform Standards Act of 1997<sup>12</sup> (SLUSA) which bars most securities class actions based on state law fraud theories. SLUSA supplements the Private Securities Litigation Reform Act of 1995 that was designed to heighten the standards for prosecuting securities class actions in federal court. SLUSA is designed to close a perceived loophole in the 1995 Act. Supporters of SLUSA believed that the 1995 Act was being undermined by the increased filing of class actions in state courts based on state law fraud theories of liability. SLUSA

<sup>7</sup> See American College of Trial Lawyers, *Mass Tort Litigation Manual* 263-65 (forthcoming 2005). It describes so-called "judicial hellholes" sought out by plaintiffs' lawyers with judges and juries likely to award large verdicts against corporations.

<sup>8</sup> The Litigation Abuse Reform Act, H.R. 4571, 108th Cong. (2004), passed by the House of Representatives in September 2004, which would amend Rule 11 to its earlier, more draconian, form, would also apply Rule 11 in certain state cases, and prevents forum shopping. The bill was reintroduced in the House in early 2005. See H.R. 420.

<sup>9</sup> *Id.*

<sup>10</sup> See Lonny S. Hoffman, "The Trilogy of 2003: Venue, Forum Non Conveniens & Multidistrict Litigation", 24 *The Advocate* 76 (Fall 2003) (describing 2003 amendments to Texas procedural rules).

<sup>11</sup> *Id.*

<sup>12</sup> 15 USC. § 77p and § 78bb (2000).

<sup>13</sup> 15 USC. § 77p and § 78bb. (As amended Nov. 3, 1998, Pub.L. 105-353, Title I, § 101(a)(1), 112 Stat. 3227.)

<sup>14</sup> P.L. 109-2.

<sup>15</sup> See Class Action Fairness Act of 2005, S. 5 & H.R. 516, 109th Cong. (2005), LEXIS 2005 Bill Tracking H.R. 516.

amends Section 16 of the Securities Act of 1933 and Section 28 of the Securities Exchange Act of 1934 to prohibit class actions brought by private parties based on such theories.<sup>13</sup> It further provides that state court class actions brought on such theories are removable to the federal court in the district in which the state action was filed. Moreover, it permits federal courts to stay discovery in state court actions.

There is no question that Congress was well within its powers to cut back on the federal remedies for securities violations, just as it is quite likely that Congress had the power to enact CAFA to promote interstate commerce. As long as lawyers remember what they learned in Civil Procedure, and keep up with the law, they ought to consider all forum selection options.

CAFA and SLUSA, however, are controversial pieces of legislation. The political nature of such legislation cannot be disputed. Signed into law by the president on February 18, 2005,<sup>14</sup> CAFA was co-sponsored in the House of Representatives by 60 Republicans and 13 Democrats.<sup>15</sup> Even though CAFA was politically motivated, many Democrats and some plaintiffs' attorneys shared the notion that problems existed with class action litigation. As the legislation quickly moved through Congress in 2005, 18 Democrats and one independent joined 53 Republicans in the 72-29 Senate vote on February 10, 2005. Fifty Democrats joined the majority in the House. Thus, although the existing jurisdictional rules clearly permitted forum shopping, there was a great deal of agreement

that there were abuses, or at the least, a perception that the promotion of interstate commerce required that plaintiffs' choice be curtailed. Providing corporate defendants a safe haven in federal court, which is what CAFA's critics complain is the goal of the legislation, appears to be a replay of events that took place about 100 years ago. As the United States became more industrialized after the Civil War and the turn of the nineteenth century and business entities came to the forefront of the economy, Congress expanded federal jurisdiction to accommodate industry.<sup>16</sup>

#### CONCLUSION

There is no question that Congress was well within its powers to cut back on the federal remedies for securities violations, just as it is quite likely that Congress had the power to enact CAFA to promote interstate commerce. The use of a device like removal of cases to federal court to prevent state courts from providing relief for state law claims rather than exercise its preemption powers is quite unusual, and raises serious federalism problems. It is ironic that in today's days of the New Federalism championed by the conservative members of the Supreme Court, we see Congress channeling away from state courts class actions and other cases raising state law claims.<sup>17</sup>

So, what is the bottom line? As long as lawyers remember what they learned in Civil Procedure, and keep up with the law, they ought to consider all forum selection options. Once the rules of the game are changed, of course, they must abide by them. And it appears that we are likely to see more legislation designed to deal with what legislators characterize as abusive forum shopping.

<sup>16</sup> Edward A. Purcell, Jr., "Origins of a Social Litigation System," in *Litigation and Equality: Federal Diversity Jurisdiction in Industrial America 1870-1958* (1992).

<sup>17</sup> See generally Georgene M. Vairo, "Judicial v. Congressional Federalism: The Implications of the New Federalism Decisions on Mass Tort Cases and Other Complex Litigation," 33 *Loyola of Los Angeles Law Review* 1559 (2000).

# THE ECONOMICS OF CIVIL JUSTICE: A PUBLIC SYMPOSIUM

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Loyola Law School Los Angeles

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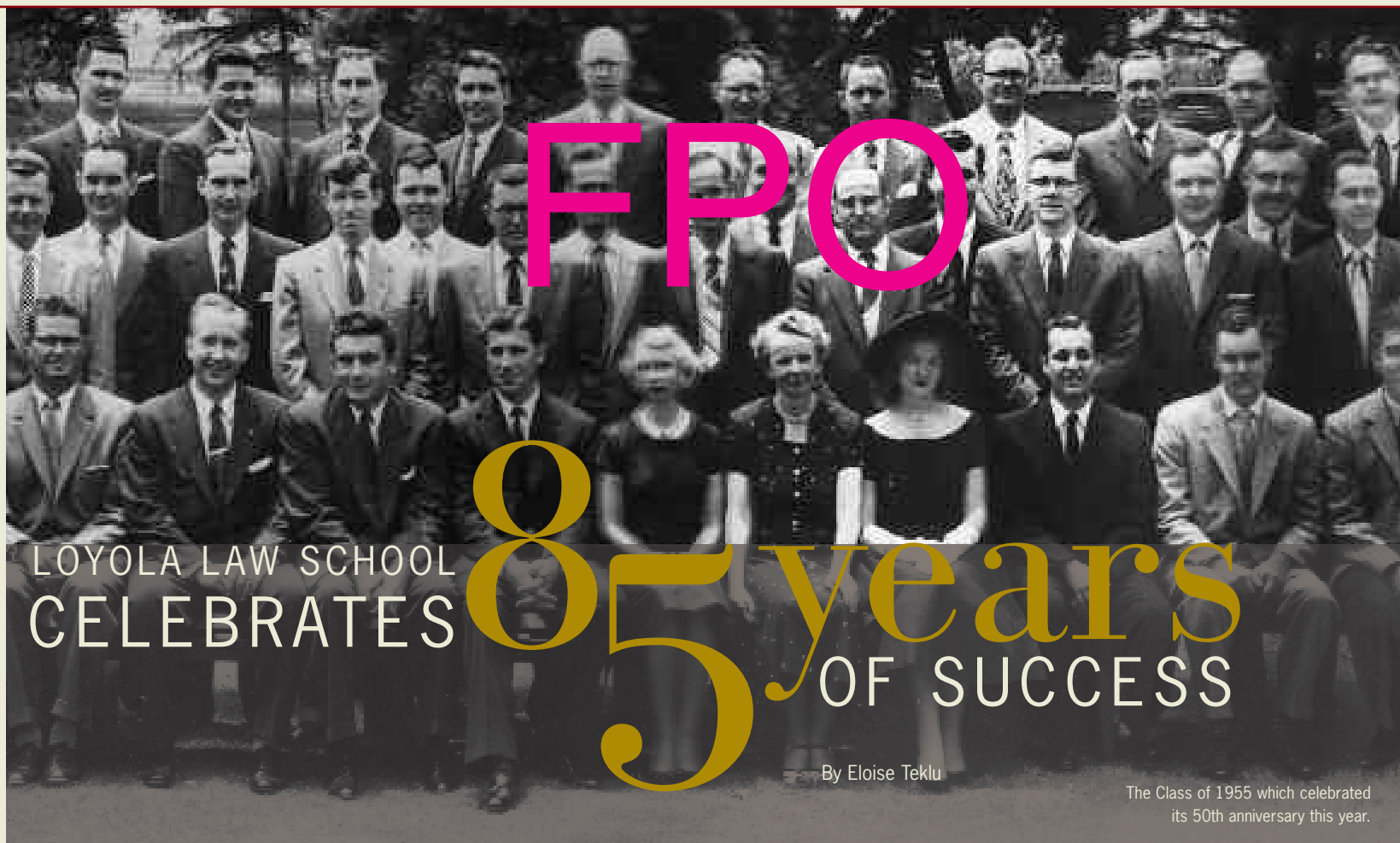
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By Eloise Teklu

The Class of 1955 which celebrated its 50th anniversary this year.

Founded 85 years ago, Loyola Law School was originally housed in a single room on the second floor of Loyola High School. Then known as St. Vincent's School of Law and part of Loyola College, it had only a handful of students. Tuition for the year was \$90, and many students received tuition loans, only later in life did they learn that their education was paid for by the Jesuits and professors. Credited for keeping Loyola going during its formative years, they provided a legal education to those of all religious faiths who could not otherwise afford it.



Anne O'Keefe, the School's first woman graduate, and LA's first woman commissioner.

Loyola's first class graduated five years after the school's founding, and seven of its eight members passed the California State Bar Examination. The School's first class included one woman, Anne O'Keefe, who began her legal studies the same month and year American women won the right to vote. She graduated early, in advance of the men in her class, and she was sworn in as Los Angeles's first woman commissioner. Today, there are 1,360 students

at Loyola and 50 percent are women. The school ranks 12th among the nation's law schools in minority enrollment.

#### LOYOLA LAW SCHOOL MILESTONES

- 1920 Founding
- 1925 First class graduates; first woman student graduates
- 1928 Chapter of Phi Delta Delta, a woman's legal organization, established; first Asian-American student graduates
- 1930 Day Division established
- 1931 First African-American student graduates
- 1937 American Bar Association accreditation; joins Association of American Law Schools
- 1952 First woman appointed to the faculty; Scott Moot Court team founded
- 1964 Campus moves to current site
- 1966 Supreme Court Justice Thurgood Marshall visits campus
- 1968 *Loyola of Los Angeles Law Review* founded
- 1970 Supreme Court Justice William Douglas visits campus
- 1978 Frank Gehry selected to design campus; *Loyola of Los Angeles International and Comparative Law Annual* founded
- 1980 Construction begins on Gehry-designed campus
- 1986 Supreme Court Justice William Brennan visits campus
- 1990 Awarded a chapter in The Order of the Coif
- 1994 Pro bono graduation requirement established
- 1998 Supreme Court Justice Antonin Scalia visits campus
- 2002 Girardi Advocacy Center dedicated by Supreme Court Justice Anthony Kennedy, completing the campus

# LOYOLA'S ENDOWMENT CAMPAIGN HITS \$15M

By Ken Ott, Assistant Dean for Advancement

Announced last fall, the campaign effort has generated \$15.07 million in pledges as of June 2005. The goal of the campaign is to double Loyola Law School's endowment to assist in the recruitment and retention of top faculty and students and provide support for academic programs.

On the announcement of the campaign last year, Dean David W. Burcham indicated, "Our goal is to strengthen our core—our faculty and students—by doubling our endowment." Campaign funds will be devoted to establishing new academic chairs and to increasing scholarships and academic program support.

So far, many alumni and friends have made pledges towards these goals and the campaign will continue its efforts through 2008. Highlights to date include:

## THE WILLIAM H. HANNON CHAIR

The William H. Hannon Foundation pledged \$3 million to establish the William H. Hannon Distinguished Professor of Law Chair. The chair was inaugurated in March 2005 and Professor Richard L. Hasen became the first holder of this prestigious academic chair. The chair is the second fully endowed chair of the campaign: the Fritz B. Burns Foundation created the Dean and Professor of Law Chair in 2001.

## THE LOYOLA CHAIR IN ETHICAL ADVOCACY

Over the last year, great effort has been underway to fund the first chair in ethical advocacy. To date, \$750,000 has been pledged and efforts continue. Alumnus Robert Baker serves as the chairman of this effort, and recently an initiative to include more alumni in the judiciary in the campaign was launched. Those making a pledge to the campaign to date include: Robert C. Baker, John J. Collins, Andrew Ellis, Robert Forgnone, John Girardi, Steven L. Harmon, Brian Kabateck, Patrick M. Kelly, Samuel Muir, Thomas Nolan, Brian Nutt, Steven V. Phillipi and the law firm of Daniels, Fine, Israel & Schonbuch, LLP.

## BUSINESS LAW CHANGES

Faculty members began re-defining the business law curriculum and the approach to teaching transactional/business law courses before the launch of the formal endowment campaign in this area. Goals include endowed professor positions, program support and, eventually, a chair in this area that will transform the program and produce a more well prepared transactional graduate.

## STUDENT AID RESOURCES

Key to the success of endowment campaign will be the expansion of student aid resources through new endowed scholarships. An ongoing effort is underway to encourage Loyola Law School alumni to set up scholarships in their names—as a memorial or in the name of their firms. Some recently established scholarships include: the McNicholas & McNicholas Scholarship; the Cindy Lopez Scholarship; the Court Call Scholarship; the Pearl Castro Mendez Scholarship (established by Jonathan Schwartz); the Louis and Jeannette Knobbe Scholarship; the Thomas Coleman, MD and Bebetta Gualano Coleman Scholarship; the Anthony Murray Scholarship, plus a significant gift to the William Tucker Scholarship by Roger Sullivan. Also, the Darling-Dorochin Student Aid Fund was established.

The John T. Gurash Fellowships for faculty were created in the memory of alumnus John T. Gurash '39 thanks to a gift from the Weingart Foundation. The funds will be used for increased faculty research, travel and publications.

The over-all goals for the endowment campaign are \$20 million for academic chairs; \$8 million in financial aid endowment; \$8 million for academic program endowment and \$4 million for campus facility maintenance. The campaign will continue through 2008. For more information on the campaign, or to make a gift, please contact Ken Ott, assistant dean for advancement, at 213.736.1025 or ken.ott@lls.edu.



A SHORT STORY

# ETHICAL ISSUES IN A PUBLIC INTEREST LAW FIRM

By Professor Gary Williams  
Loyola Law School Los Angeles

This short story raises questions common to the practice of lawyers working for public interest law firms (PILFs). Where law firms exist to make money by using the law to the advantage of their clients, PILFs exist to reform the law. These characteristics present unique ethical challenges for the attorneys working for PILFs.

Ramona is a staff attorney for the American Association for Constitutional Rights (AACR), a fictional public interest law firm. Ramona reads a story in her newspaper about a high school newspaper editor who was disciplined because she published an article detailing a teacher's romantic involvement with a child actor (a minor). The article questioned the teacher's fitness; the principal disciplined the editor for "violating the teacher's privacy."

Ramona calls the parents of the disciplined student and informs them she is employed by the AACR. Ramona says the imposition of discipline violates the First Amendment, and asks the parents if they want to file litigation.

The AACR mission statement states the AACR will pursue cases affecting fundamental constitutional rights. The AACR legal director directs Ramona to write a memorandum to the AACR Legal Committee summarizing the facts and issues of the potential case. The Legal Committee, noting that the mission statement requires that AACR cases affect "large groups of people," directs Ramona to meet with the Committee before offering to represent the family. Ultimately the Legal Committee agrees Ramona may accept the case.

This short story raises questions common to the practice of lawyers working for public interest law firms (PILFs). PILFs are distinctive entities within the legal profession. Where law firms exist to make money by using the law to the advantage of their clients, PILFs exist to reform the law. A PILF hires attorneys to pursue its goals, solicits people sympathetic to those goals to serve as clients and initiates or joins litigation to pursue those goals.

These characteristics present unique ethical challenges for the attorneys working for PILFs. This essay discusses a few of those unique challenges.

#### A BRIEF HISTORY OF PILFS

Two prototypical public interest law firms are the American Civil Liberties Union (ACLU) and the National Association for the Advancement of Colored People (NAACP). The NAACP was founded in 1909 to fight racial discrimination and government-mandated segregation.<sup>1</sup> The ACLU was founded in 1920 to protect and advance civil liberties, with an initial focus on the First Amendment.<sup>2</sup> Both groups eventually resorted to litigation as an important method for advancing their goals.

The NAACP,<sup>3</sup> led by Charles Hamilton Houston and Thurgood Marshall, embarked on a systematic legal attack on the concept of “separate but equal.” By carefully selecting plaintiffs, issues and judicial forums, the NAACP sought to educate the courts and the public that separate meant inherently unequal for people of color. The NAACP built an impressive record by litigating cases where the inequality of facilities, resources and opportunity was painfully apparent. In 1954, the NAACP won *Brown v. Board of Education*,<sup>4</sup> the single most important legal victory in the struggle against segregation.

The ACLU's initial objective was to convince the courts to enforce the First Amendment guarantees of freedom of speech, association and assembly. From the adoption of the First Amendment in 1791 through 1919, courts rarely enforced these constitutional guarantees. The ACLU's first major victory occurred in *Hague v. CIO*,<sup>5</sup> where the Supreme Court declared that public streets and parks are public forums where the right to speak freely is protected by the First Amendment.

PILFs now number in the hundreds.<sup>6</sup> The practice of PILF attorneys is guided by two central Supreme Court decisions, the American Bar Association Model Rules of Professional Responsibility and ABA opinions interpreting those rules and addressing ethical issues that confront legal services organizations.

#### NAACP V. BUTTON<sup>7</sup>

The success of the NAACP in challenging racial segregation generated tremendous resentment in the South. Seeking to halt the NAACP's advance, the state of Virginia passed legislation broadening its definitions of “runner” and “capper.”<sup>8</sup> The Virginia courts held that this statute prohibited the Virginia NAACP from recruiting individuals to serve as plaintiffs in civil rights litigation financed by the NAACP and handled by NAACP attorneys.<sup>9</sup>

When the NAACP challenged this legislation in federal court, Virginia argued that the activities of the NAACP were improper solicitation. The state further contended that the NAACP's control of the resulting litigation improperly interfered with the professional judgment of attorneys. Both arguments were grounded in traditional ethical concerns.

The Supreme Court held that litigation by the NAACP is a form of political expression protected by the First Amendment because it “...makes possible the distinctive contribution of a minority group to the ideas and beliefs of our society.”<sup>10</sup> The Court rejected Virginia's ethical arguments, noting that the prohibition of solicitation and the objection to lay interference with attorney judgment are grounded in concerns about pecuniary gain. Because the NAACP's goal was to challenge racial segregation, the Court concluded those traditional ethical concerns did not apply.

The critical language of the *Button* opinion is the foundation upon which PILFs are built:

“Resort to the courts to seek vindication of constitutional rights is a different matter from the oppressive, malicious or avaricious use of the legal process for purely private gain.... We conclude that although petitioner has amply shown that its activities fall within the First Amendment's protections, the State has failed to advance any substantial regulatory interest, in the form of substantive evils flowing from petitioner's activities, which can justify the broad prohibitions it has imposed.”<sup>11</sup>

#### IN RE PRIMUS<sup>12</sup>

On the day the Supreme Court announced that states may punish an attorney who solicits for pecuniary gain,<sup>13</sup> it also held that states may not punish a PILF attorney who solicits clients. Edna Primus was a private attorney and a member of the local chapter

1. David Levering Lewis, *W.E.B. Du Bois: Biography of a Race (1869-1919)*, 386-7 (1993).

2. Samuel Walker, *In Defense of American Liberties*, 46-7 (1990).

3. In this essay I refer to the NAACP for simplicity's sake. In reality, the NAACP and the NAACP Legal Defense and Education Fund (LDEF) are distinct organizations, with separate Boards of Directors and separate staffs. Jack Greenberg, *Crusaders in the Courts*, 19-21 (1994).

4. 347 U.S. 483 (1954).

5. 307 U.S. 496 (1939).

6. A forthcoming law review article lists 58 “selected” conservative and libertarian PILFs. Ann Southworth, “Conservative Lawyers and the Contest Over the Meaning of ‘Public Interest Law,’” 52 UCLA L. Rev. (forthcoming 2005) (manuscript on file with author). A 1976 study identified

92 public interest firms, and explained that the 86 firms completing the survey employed 589 lawyers. Council for Public Interest Law, *Balancing the Scales of Justice*, 81-82 (1976).

7. 371 US 415 (1963).

8. A runner is “one who solicits personal injury cases for a lawyer.” *Black's Law Dictionary*, 1334 (7th ed 1999). A capper is “a decoy or lure for purpose of swindling.” *Black's Law Dictionary*, 211 (6th ed 1990).

9. *Button*, supra, 371 US at 423-6.

of the ACLU. Upon learning of women allegedly coerced into being sterilized as a condition for receiving Medicaid, Primus contacted some of those women and informed them of their rights. She subsequently sent letters to the women indicating the ACLU was willing to file a lawsuit on their behalf.

When one of the women complained to the South Carolina bar, Primus was investigated for engaging in solicitation “on behalf of the ACLU.”<sup>14</sup> The state Supreme Court held that Primus’s conduct was unethical. It attempted to distinguish *Button*, stating that while the NAACP was primarily a “political” organization, “...the ACLU has as one of its primary purposes the rendition of legal services.” The court concluded discipline was appropriate because the ACLU might benefit financially from an award of damages.<sup>15</sup>

Primus appealed, arguing her conduct was protected by the First Amendment. Quoting from the *Button* opinion, the United States Supreme Court rejected the attempt to distinguish the ACLU from the NAACP: “For the ACLU, as for the NAACP, ‘litigation is not a technique of resolving private differences;’ it is ‘a form of political expression’ and ‘political association.’” The majority further observed: “The ACLU engages in litigation as a vehicle for effective political expression and association, as well as a means of communicating useful information to the public.”<sup>16</sup>

The Supreme Court found “...equally unpersuasive any suggestion that the level of constitutional scrutiny in this case should be lowered because of a possible benefit to the ACLU.” The Court ruled that the ACLU policy of requesting attorney fees did not take the case outside of the protection of *Button*, because ACLU sponsorship of litigation is motivated not by pecuniary gain, but rather by its “...widely recognized goal of vindicating civil liberties.”<sup>17</sup> The Court concluded Primus could not be disciplined because her letter to the prospective clients fell within the zone of First Amendment protection.

#### OPEN QUESTIONS

The *Button* and *Primus* decisions make clear Ramona may practice law with the AACR, even if the AACR board of directors includes non-lawyers. *Primus* and *Button* further establish that

Ramona may comply with the policies set by the AACR board of directors, absent a showing of actual lay interference with the attorney-client relationship or “serious danger of a conflict of interest.”<sup>18</sup> And pursuant to *Primus*, Ramona may freely solicit clients because she works for the AACR.

Left unanswered are questions about the governance of the AACR, and how Ramona should deal with ethical issues such as confidentiality. Who should decide what issues the AACR will address? Who should decide which cases Ramona will take? Who should supervise Ramona? Can the AACR board demand confidential information about Ramona’s clients? Answers to these questions must be divined from ABA opinions discussing the governance of legal services organizations, entities similar in form and function to PILFs.<sup>19</sup>

#### WHO IS IN CHARGE?

In Formal Opinion 324,<sup>20</sup> the ABA noted that the governing board of a legal services organization could be comprised of lawyers, lay persons or a combination of lawyers and lay persons. The opinion limited the permissible power of the governing board, regardless of composition, to “formulating broad goals and policies pertaining to the operation of the society and establishing guidelines for the categories of clients attorneys may represent and the types of cases they may handle.” The ABA concluded that staff attorneys “...should endeavor to fulfill the broad policies formulated by the Board, and insure that their conduct in representing clients is in conformity with the Code of Professional Responsibility.” Formal Opinion 324 instructs that once an attorney accepts a case within the guidelines, the governing board must take “special precautions” not to interfere with the attorney’s professional judgment in the handling of the matter.<sup>21</sup>

Formal Opinion 334 expands upon these principles.<sup>22</sup> The ABA concluded a governing board can establish an “Attorney Advisory Committee,” and require staff attorneys to consult with that committee prior to bringing litigation. The opinion limits the composition and role of such a committee:

“However, if an Advisory Committee consisted entirely of lawyers, if it had no power to veto the bringing of a suit but

10 Id., 429, 431.

11 Id., 444.

12 436 U.S. 412 (1978).

13 *Ohrlik v. Ohio State Bar Association*, 436 U.S. 447 (1978).

14 *Primus*, 436 U.S. at 419-20.

15 Id. at 427.

16 Id. at 429.

17 Id. at 429-30.

18 In *Button* the Court ruled that potential interference is insufficient in the absence of proof of serious danger of conflict of interest or of organizational interference with the actual conduct of litigation. *Button*, supra, 371 U.S. at 443-4. In *Primus* the Court held “nothing that this record shows as to the purpose of [ACLU] activities permits an inference of any injurious intervention in or control of litigation which would constitutionally authorize the application of the Disciplinary Rules to appellant’s activity.” *Primus*, 436 U.S. at 436.

19 For purposes of this essay I will define “legal services organization” as an entity that serves, exclusively or predominantly, poor clients. Most legal services organizations are governed by boards and do not practice law for pecuniary gain. Legal services organizations differ from PILFs in that most receive funding from federal and state governments. Most legal services organizations are not “issue driven;” they exist to serve the varied legal needs of America’s poorest residents.

was advisory only and if the requirement of prior consultation did not in practice result in interference with the staff's ability to use its own independent professional judgment as to whether an action should be filed, there would appear to be no harm in requiring such consultation. But if such a requirement did in fact result in interference with the staff's independent judgment, it would be improper."<sup>23</sup>

In our short story, the AACR Legal Committee's initial refusal to "approve" the filing of Ramona's proposed litigation suggests it has the power to accept or reject cases. Such power exceeds the authority permitted by Formal Opinion 334.

#### WHO GETS TO KNOW?

The lawyer's duty to protect confidential information is a cornerstone of the rules of professional responsibility.<sup>24</sup> Finding the proper balance between the management needs of PILFs and the duty of confidentiality presents a special problem. In Formal Opinion 324, the ABA simply stated, "The board may require staff attorneys to disclose to the board such information about their clients and cases as is reasonably necessary to determine whether the board's policies are being carried out."<sup>25</sup> ABA Formal Opinion 334 recognized this general statement was too simplistic: "... a legal services attorney may not disclose confidences or secrets of a client without the knowledgeable consent of the client. To the extent this is inconsistent with Formal Opinion 324, that opinion is overruled."

The ABA's retreat was sound. As Formal Opinion 334 acknowledges, only the staff lawyers of a legal services organization (or a PILF) have an attorney-client relationship with the people represented. Thus Model Rule 1.6 governs any disclosure of confidential information to the governing board. This limitation applies to the members of the Legal Advisory Committee as well: "The members of the Advisory Committee should not be given confidences or secrets of the client, for there is no lawyer-client relationship between the client and the Advisory Committee or any member of it. The requirement of prior consultation should recognize that the obligation of the staff lawyers to preserve the confidences and secrets of clients applies to statements to and information conveyed to the advisory committee...."<sup>26</sup>

## Should the principles established by the ABA for legal services organizations serve as the basis for the answers to the ethical questions faced by PILFs?

To the extent the memorandum for the AACR Legal Committee reveals confidential information, Rule 1.6 requires that Ramona inform her potential clients of the proposed disclosure, and that she obtain their informed consent. Should the clients refuse the request for disclosure, Ramona's memorandum may only convey general information.

#### ABA ANSWERS TO MANAGEMENT QUESTIONS

With these limitations, how can the AACR Legal Committee provide guidance to and oversight of Ramona and the AACR legal staff? The answer lies in supervision by senior staff attorneys and the legal director. The ABA concluded that an indigent person who retains a legal services attorney has the same lawyer-client relationship with the organization's staff attorneys as a client who retains a law firm. Staff attorneys for the legal services office are subject to the direction and control of senior staff attorneys, just as associates in a law firm are subject to the direction and control of the partners.<sup>27</sup> This reasoning suggests that PILF staff attorneys are subject to the direction and control of their senior staff attorneys.

#### CONCLUSION

Should the principles established by the ABA for legal services organizations serve as the basis for the answers to the ethical questions faced by PILFs? Or should the ABA and state bars create separate principles that recognize the unique characteristics of PILFs? These questions will demand answers as the number and influence of PILFs continue to grow.

<sup>20</sup> August 9, 1970.

<sup>21</sup> ABA Formal Opinions 324 and 334 are based upon the ABA Model Code of Professional Responsibility. The Code was replaced by the ABA Model Rules of Professional Conduct in 1983.

<sup>22</sup> August 10, 1974.

<sup>23</sup> Formal Opinion 334.

<sup>24</sup> "A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent...." ABA Model Rule 1.6

<sup>25</sup> Formal Opinion 324, *supra*.

<sup>26</sup> Formal Opinion 334.

<sup>27</sup> ABA Formal Opinion 334.



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Invites the entire legal community to the*

# 23rd Annual Red Mass

The Cathedral of Our Lady of the Angels  
555 West Temple Street  
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Tuesday, September 27, 2005  
5:30 p.m.

Reception following in the Cathedral hall.  
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## History of the Red Mass



St. Thomas More by  
Hans Holbein, used with  
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The first recorded Red Mass, a special Mass for the bench and bar, was celebrated in Paris in 1245. In England, the tradition began about 1310, during the reign of Edward I. The priest and the judges of the high court wore red robes, thus the celebration became known as the Red Mass. The tradition of the Red Mass continued in the US—each year, the members of the US Supreme Court join the president and members of Congress in the celebration of the Red Mass at the National Shrine of the Immaculate Conception. The Red Mass is also celebrated in most other state capitals and major cities throughout the US.

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# From Italy to

## NEW PROGRAMS AT

**Loyola Law School continues its tradition of creating innovative academic programs that educate and serve. These new programs are all designed to broaden the educational experience of Loyola Law School students, contribute to legal scholarship and generate discussion on current legal topics.**

#### LLM IN AMERICAN LAW & INTERNATIONAL LEGAL PRACTICE— BOLOGNA, ITALY

In 2006, Loyola Law School will expand its study abroad programs by launching its Masters of Law in American Law and International Legal Practice. It will provide American and foreign law school graduates with a unique opportunity—to earn an American LLM from Loyola Law School while attending a premiere European university.

Coordinated at Loyola by Professor Edith Friedler, program students will study at the University of Bologna. Coursework, all in English, will include European Private Law, International Contracts, International Trade and Comparative Constitutional Law. Located in a cultural and artistic capital, students will be taught by distinguished faculty from both US and European law schools. Find out more about this distinctive program and download an application by visiting [lls.edu/academics/bologna](http://lls.edu/academics/bologna).

#### CIVIL JUSTICE PROGRAM

The civil justice system is under attack—businesses say juries award excessive damages; the public thinks receiving compensation requires far too much effort and money; others fear civil litigation

is a racket run by powerful lawyers who run up costs while victims go uncompensated.

With all this in mind, Loyola Law School launched its Civil Justice Program to focus research and public attention on the civil justice system. The Program focuses on research, public education and equal access to civil justice by convening conferences and seminars, promoting and publishing scholarly research and initiating cross disciplinary projects.

Additionally, the Program plans to endow a chair in Civil Justice—the recipient of which would be dedicated to researching, writing, teaching and public speaking on the civil justice system. It is also developing a training program for journalists to educate members of the profession on the jury system and key features of the civil, criminal and constitutional structure of American government.

The Civil Justice Program is directed by Loyola Law Professor John Nockleby, and was launched with a two-day conference in October 2004. For more information and updates on the Program, please visit [lls.edu/cjp](http://lls.edu/cjp).

#### THE SPORTS LAW INSTITUTE

Los Angeles has a particularly strong connection to sports, with a rich blend of amateur and professional athletics located in Southern California, and an active sports law community. In a unique position to offer students, alumni and the legal profession



# Inglewood

## LOYOLA LAW SCHOOL

the opportunity to study and learn about sports and the law, Loyola Law School began the Loyola Sports Law Institute.

The institute is directed by Professor and Leonard Cohen Chair in Law and Economics Daniel Lazaroff, and will offer new classes to Loyola Law students, organize symposia and contribute content annually to the School's *Entertainment Law Review*.

Its first undertaking was a half-day conference on "Drugs, Drug Testing & Sports," which featured representatives from the NFL, the NBA, MLB, the NCAA and Olympian Carl Lewis.

#### ENTERTAINMENT LAW PROGRAM

After a successful 2004-05 program covering the digital distribution of music, P2P filesharing under foreign law and accessing film and television production incentive financing, Loyola Law School's Entertainment Law Program will continue its coverage of sophisticated, cutting-edge issues in 2005-06. Plans include a symposium on the videogame industry in spring 2006, and a panel series on celebrities and the media to run throughout the school year. The first in this series will be "Representing Celebrities in High Profile Cases." The program will also co-sponsor, with the Los Angeles Copyright Society, the first annual Aus der Muhlen Lecture in International Copyright Law and will host several Entertainment Alumni Network luncheons. Visit [www.lls.edu](http://www.lls.edu) for more details.

#### CENTER FOR JUVENILE LAW & POLICY

The Center for Juvenile Law and Policy responds to a tremendous need in Los Angeles County for effective, professional legal representation for juveniles charged with crimes in the Los Angeles delinquency system.

Thousands of juveniles are caught up in the system, often with few resources, public or personal, available to them. The Center, run by Associate Clinical Professor Cyn Yamashiro, provides advocates for these kids by matching them with Loyola Law students who work under the direct supervision of attorneys and clinical law professors. Center activities are run out of a new clinic on the Loyola Law campus and in coordination with the Inglewood Courthouse, which is directed by Supervising Judge Irma Brown, a Loyola Law School alum.

In addition to legal representation, the Center provides general support for its clients through its part-time social worker, Alison King, who, in addition to assisting with student training, assesses client needs through home visits, client interviews and family interviews. Supporting both King and the students is a panel of five volunteer psychologists and psychiatrists.

The Center also offers training and classes to members of the LA juvenile bar and serves as a platform to generate dialogue on issues and policies confronted by juveniles and their families in Los Angeles. To learn more about this unique program, please visit [lls.edu/juvenilelaw](http://lls.edu/juvenilelaw).



# around campus

## PROFESSOR RICHARD L. HASEN NAMED WILLIAM H. HANNON DISTINGUISHED PROFESSOR OF LAW

**At a dedication ceremony on March 30th, Loyola Law School named Professor Richard L. Hasen the William H. Hannon Distinguished Professor of Law, thanks to a generous gift from the William H. Hannon Foundation.**

Richard Hasen, a professor at Loyola Law School since 1998 and a William M. Rains fellow, is a nationally recognized expert on election law, campaign finance and voting rights. Frequently involved in analyzing hot button issues at the intersection of law and politics, he is a well known national advocate for reforming election administration. He was a frequent commentator on the contested Florida recount in 2000 and on legal issues surrounding many other elections since then, both nationally and locally. His writings on these topics have been published by major media outlets like the *Los Angeles Times*, *Slate* and *Roll Call*, and he is frequently cited in *The New York Times*, the *Wall Street Journal* and the *Los Angeles Times*.

Hasen said about his appointment: "It is a great honor to be named the William H. Hannon Distinguished Professor of Law, and I appreciate so very much the confidence that the president and dean have expressed. It is their leadership that has made Loyola Law School a truly national school that attracts well-deserved attention for its commitment to cutting-edge scholarship, a commitment to teaching and a special emphasis on social justice."

On the gift of the chair, Dean David W. Burcham remarked, "We are exceedingly grateful to the William H. Hannon Foundation for this important gift. Great law schools are built around great faculty and



Richard L. Hasen



William H. Hannon

students, and this chair will help keep our faculty strong." Kathleen Hannon Aikenhead, president of the William H. Hannon Foundation, added, "My late uncle was passionate about education. Whether it's a child in kindergarten or a graduate student in law school, my uncle believed in focusing resources on the classroom. This chair, named in his honor, will continue his legacy. Our Foundation's board is pleased that the first recipient of the chair is Richard Hasen. His work, in the election arena, is fostering new debate on critical issues important to democracy. Loyola Law School is an exemplary institution and we are proud to support its growth through the William H. Hannon Distinguished Professor of Law Chair."

Hasen is also the author of *The Supreme Court and Election Law*, and the co-author of *Election Law: Cases and Materials*. Named one of the top 20 lawyers in California under 40, Hasen writes the widely-read and cited Election Law Blog ([electionlawblog.org](http://electionlawblog.org)). He has a JD and PhD in political science from UCLA.



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# LOYOLA LAW SCHOOL events

## Loyola Law School Kicks Off \$40 Million Endowment Campaign

### FRIENDS OF LOYOLA HONORED AT GALA CELEBRATION

Loyola Law, under the leadership of David W. Burcham '84, Fritz B. Burns dean and professor of law, launched its \$40 million endowment campaign with a gala celebration.

Recognized at the party were recipients of the Magna Cum Laude Donor Award: John Anderson '50, Leonard Cohen '51, Mr. and Mrs. Mark Minyard '76, Dr. and Mrs. Edison H. Miyawaki (LMU '52), Mark P. Robinson, Jr. '72, Mr. and Mrs. Daniel A. Seigel '68, the Fletcher Jones Foundation and Greene, Broillet & Wheeler LLP. Recipients of the Summa Cum Laude Donor Award were: Athalie Irvine Clarke, Thomas Girardi '64, Liliore Rains, the Fritz B. Burns Foundation, the Hugh & Hazel Darling Foundation, the William H. Hannon Foundation and the Weingart Foundation.

The campaign gala was held on April 9, 2005—the annual Grand Reunion, usually scheduled around that time, was postponed to fall 2005.

For more information about Loyola Law's endowment campaign or to make a dona-

tion, please contact the assistant dean for advancement, Ken Ott, at 213.736.1025 or ken.ott@lls.edu.

## Third Annual National Civil Trial Competition at Loyola Law

South Texas College of Law took home the prize at the third annual National Civil Trial Competition (NCTC), held in November 2004. The NCTC, created in 2002 by Loyola to give second and third year law students an opportunity to develop civil trial skills, is directed by Loyola Law School Professor Susan Poehls. The competition is sponsored by Greene, Broillet & Wheeler, LLP, in Santa Monica.

Sixteen ABA accredited law schools participated in this year's competition, arguing a hypothetical case "ripped from the headlines." Over 120 trial lawyers served as tournament judges, including many Loyola Law School alumni, and partners from some of Los Angeles's top litigation firms. Federal District Court Judge Tevrižian served as presiding justice for the final rounds, which were also judged by Bruce A. Broillet, Christine Spagnoli, Thomas Girardi, Suzanne Tracy and Michael Avenatti. "The rounds were lively and very competitive," said Poehls, "with the students'

passion for trial advocacy revealed by the caliber of their presentations. We appreciate the role that our sponsor Greene, Broillet & Wheeler has played in making it a success in the legal community."

## William J. Landers Memorial Lecture Luncheon

Andrea Sheridan Ordin spoke on "Prosecution, Sentencing and Pardons: The Ethical Challenges" at the William J. Landers Memorial Lecture on January 28, 2005. Ordin, a partner in the litigation practice section of Morgan Lewis in Los Angeles, focuses on complex business and environmental litigation, appellate litigation and internal corporate investigations. She is a former president of the Los Angeles County Bar Association and chairs the Association's Committee on Minorities in the Profession. In her talk, she recalled Bill Landers's high ethical standards when he was in the Justice Department, and she encouraged all prosecutors to use their discretionary powers fairly and ethically.

## Legal Aspects of the War on Terrorism

Loyola Law School held the program "Legal Aspects of the War on Terrorism" on February 16, 2005. It was co-hosted



Above: A team member questions a witness at the National Civil Trial Competition.

Top Right: Dean David Burcham welcomes guests to the school's 85th anniversary celebration.

Bottom Right: Dean Burcham with the Hon. Carolyn Turchin '78, Andrea Sheridan Ordin and Professor Laurie Levenson at the William J. Landers Memorial Lecture Luncheon.



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For tickets or more information, please contact Stephanie Unguez at [stephanie.unguez@lls.edu](mailto:stephanie.unguez@lls.edu).

(continued from page 22)

24

AROUND CAMPUS

by the American Constitution Society and the Individual Rights Section of the Los Angeles County Bar Association. Professor Laurie Levenson was the moderator and Neal Sonnett, chair of the ABA Task Force on Treatment of Enemy Combatants, and Kenneth W. Starr, former solicitor general of the US and present dean and professor of law at Pepperdine Law School, were panelists. The discussion addressed the challenges of fighting the war on terrorism, including civil liberties and the importance of the Rule of Law.

### Orange County Alumni Reunion

Mark E. Minyard '76 received the Distinguished Alumnus of the Year award at the Orange County Reunion on February 17, 2005, held at the Westin South Coast Plaza Hotel in Costa Mesa. Minyard, managing partner at Minyard and Morris, LLP, is a fellow of the American Academy of Matrimonial Lawyers, the American College

of Trial Lawyers and the American Bar Foundation. He also serves on the board of directors for the Orange County Bar Foundation. The gathering brought together Orange County alumni and friends, and proceeds from the event benefited Loyola Law's Orange County Alumni Scholarship Fund.

### Stephen E. O'Neil Memorial Lecture

Justice Arthur Gilbert, presiding justice of the California Court of Appeals, spoke on "How to Judge a Judge—You Be the Judge" at the annual Stephen E. O'Neil Memorial Lecture. The luncheon program, held on March 11, 2005 at the Law School, was attended by judges from the California Court of Appeals, the Los Angeles Superior Court and the US District Court. In a witty and informative talk, Justice Gilbert discussed the standards by which we judge judges—a fitting tribute for Judge O'Neil, a former Loyola Law School professor and distin-

guished member of the Los Angeles Superior Court.

### Soft Money: Accessing Film & TV Production Incentives Worldwide

On April 14th, Loyola Law School brought together film and television production executives, talent agents, filmmakers, bankers, accountants and attorneys with film commissioners from the US and abroad to discuss the latest financial incentives for motion pictures and TV production. Speakers included film commissioners from Germany, Australia, South Africa, New York and Louisiana, and the event was co-sponsored by Thelen Reid Priest LLP and the Association of Film Commissioners International.

### Loyola Helps Local Families Adopt Kids

Friday, April 8th was Adoption Day, and teams from Loyola Law School met kids and their new families at the Children's





Courthouse in Monterey Park to finalize and celebrate adoptions. This annual event marked the end of two months of work by the Adoption Project, which matched teams of Loyola Law students and alums with a family to assist them in formally adopting kids from the California Dependency System.

Sponsored by the Loyola Law School Alumni Association and run by Public Counsel, the largest pro bono law office in the country, with assistance from Loyola's Public Interest Law Department, the Adoption Project recruited 13 Loyola Law students and 38 alumni to work with adoptive families and kids through the legal hurdles often present in the adoption process. Over the years, hundreds of kids have been placed with new families via the Adoption Day Project. If you are interested in participating in next year's Adoption Day, please contact Carmen Ramirez at [carmen.ramirez@lls.edu](mailto:carmen.ramirez@lls.edu) or 213.736.1046.

## Loyola Law School Celebrates Graduation of Class of 2005

Loyola Law School's Class of 2005 received their degrees following comments by keynote speaker Bill Lockyer, attorney general of California, at a commencement ceremony on May 15th.

The commencement activities began with a graduation mass celebrated by the president of Loyola Marymount University, Rev. Robert B. Lawton, in the Sacred Heart Chapel on the Loyola Marymount Campus. The mass was followed by the commencement ceremony, under sunny skies in the Sunken Garden, featuring student speakers and award presentations. Loyola Law congratulates the Class of 2005!

What's  
Going  
on at  
Loyola?

www.lls.edu

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-Make a Gift to Loyola Law  
-Register for an Event



**Opposite:** Professor Jay Dougherty opens the symposium "Soft Money: Accessing Production Incentives Worldwide." Professor Levenson with Neal Sonnet at "Legal Aspects on the War on Terrorism." The Hon. Patti S. Kitching, Justice Arthur Gilbert and Professor Laurie Levenson at the O'Neil Memorial Lecture. **This Page:** Adoption Day 2005 participants. President Lawton, Attorney General Bill Lockyer and Dean David Burcham at graduation 2005. Mark Minyard '76, Distinguished Alumnus of the Year with Dean David Burcham.



# REACHING THE SUMMIT

**Donna D. Melby, president of the American Board of Trial Advocates, and Jean M. Lawler, president of the Federation of Defense & Corporate Counsel, are the first women presidents of these bar associations. Both are talented lawyers, devoted parents and path-breaking leaders.**

Melby and Lawler teamed-up this year to jointly lead an ABOTA/FDCC summit, "The American Jury Trial—Do We Allow Its Death or Lead Its Rebirth?" A first-time collaboration of the two bars, the summit focused on solutions to the declining numbers of jury trials. "Both of us had big ideas for the summit, including gathering people from all walks of the civil trial system, including judges,

litigants and even jurors," said Lawler. Melby agreed: "The idea of the summit was to bring the public, the private sector and academia together to address common issues," she said, adding, "I see this summit, the FDCC and ABOTA, and Professor John Nockleby's new Civil Justice Program at Loyola Law School as providers of solutions."

Before taking their current executive positions, Melby and Lawler built stellar careers—both attained the highest peer review rating in *Martindale-Hubbell* and both are partners in their respective firms. Melby, a partner with the Los Angeles office of Sonnenschein Nath & Rosenthal LLP, has been lauded repeatedly: as one of California's most influential trial attorneys and as one of the top women litigators in the state by the Los Angeles *Daily Journal* and *San Francisco Recorder*; as one of sixteen leading litigators in the US by the Minority Corporate Counsel Association; and as in the top five percent of lawyers in Southern California in complex business and commercial litigation employment, litigation and entertainment litigation by *Los Angeles* magazine. A fellow of the American College of Trial Lawyers, Melby was appointed in 2004 by Governor Arnold Schwarzenegger to serve on the Judicial Selection Advisory Panel.



"I love my work as a lawyer, and the experience of being president of ABOTA enriches my experience in practicing law. I'm proud of this profession," said Melby. She was inspired by her father, Jacob U. D'Angelo '50, who was a rising star in ABOTA until he died unexpectedly, just four months shy of his installation as president of ABOTA's Los Angeles chapter. "So as you can imagine," says Melby, "Loyola Law School and ABOTA have always been close to my heart." Following in her father's footsteps came quite naturally, and Melby was installed as the Board's national president in January 2005. She told the Los Angeles *Daily Journal Extra* at the time,

"Who would have thought I would have the honor of being installed as the president of an organization he was meant to lead?"

Founded in 1958, ABOTA is comprised of 6,000 experienced trial lawyers and judges—with approximately 1,400 members in California. There are chapters in every state as well as the District of Columbia, and Melby receives speaking invitations from all of them. One of her goals has been to diversify the group, and she has been forthright in her desire to increase the number of women and minority members. Her other goals include improving civility and professionalism between the bench and the bar. Melby's top priority, however, will be preserving the endangered jury trial.

Melby's career has focused on complex business and employment litigation and mass tort and class action cases, and her clients span multiple industries including entertainment, construction, food service, technology, health care, pharmaceutical, manufacturing, aerospace, insurance, communications and finance. Her firm recognized her considerable contributions in 2004 by rewarding her its first annual Rothchild Pro Bono Award for her work with the Landmine Survivors Network.

Donna D. Melby, president of the American Board of Trial Advocates, and Jean M. Lawler, president of the Federation of Defense & Corporate Council



**“I love my work as a trial lawyer, and the experience of being president of ABOTA enriches my experience in practicing law. I’m proud of this profession.”**

—Donna Melby

Melby is a former platform diver and marathon runner, and she has been married for 32 years to Randall, also an attorney. The couple has a grown son, Matthew, and a 12-year-old Labrador, Amber.

Like Melby, Lawler is accomplished professionally and personally. Lawler is a senior partner at Murchison & Cumming, LLP, where

she represents insurers in complex litigation and defends them in bad faith suits. She chaired the firm's Insurance Law & Litigation Practice Group for 19 years, recently turning over those duties to another partner in order to better balance the demands of the FDCC and her practice. She has several published appellate decisions and a successful record of “defensing” bad faith claims on summary judgment or at trial. Lawler also writes articles and speaks publicly, serves as an arbitrator and expert witness and travels the globe for her professional activities. She carefully balances work with family—she has been married for 27 years to Tim, and together they reared four college-educated children.

Lawler's appreciation for Loyola runs deep. She has a BA from Loyola Marymount University and a JD from Loyola Law School. A recipient of a Jesuit scholarship at Loyola Law, Lawler was a member of the Jessup International Moot Court Team. “Through a Loyola internship with the US Attorney's Office, I experienced a respect for the judiciary the first time I walked into a courtroom,” Lawler reflects. “Having my first child during the third year was also memorable. I graduated on time, though, and passed the bar on my first attempt.”

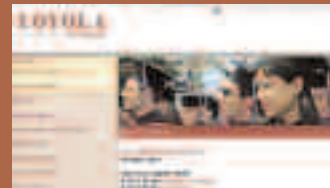
## Stay connected

with fellow alumni and Loyola Law School

Visit the Alumni Web Site at [alumni.lls.edu](http://alumni.lls.edu).

For more information, call 213.736.1046 or

e-mail [alumni.office@lls.edu](mailto:alumni.office@lls.edu).



Lawler took charge of the 1,400-member FDCC in August 2004, serving as president until August 2005 when she became the chair of its Board. Founded in 1936 and comprised of leaders from the worldwide legal community, all of whom must be nominated for membership, the FDCC's members are attorneys who defend clients in civil litigation, corporate counsel and insurance company executives. Membership is selective and, for US lawyers in private practice, limited to 1,000. As president, Lawler has sought to enhance the FDCC's core values of knowledge, justice and fellowship. Under Lawler's leadership, the FDCC is partnering with Loyola Law School for its upcoming educational program for journalists who cover the civil justice system. Of her presidency, Lawler said, "It has been an honor and privilege to represent and serve the Federation."

Melby and Lawler balanced thriving careers with successful personal lives, yet in their own eyes, their work is not finished. Both are concerned about the long-term future of the trial by jury and both have focused their personal and professional efforts to ensure its longevity. Melby and Lawler are credits to their profession, to Loyola Law School and to future graduates who will follow in their footsteps.

*"Through a Loyola internship with the US Attorney's Office, I experienced a respect for the judiciary the first time I walked into a courtroom,"*

—Jean M. Lawler

# Congratulations



to Loyola Law School's Byrne Trial Advocacy Team,  
Winners of the National Trial Competition!

Team Members: **Melissa Lyon** (also named "Best Advocate"),  
**Brian Ward, Katie McCann.** Team Coach: **Susan Poehls.**

# alumni profiles



**JAMES KRUEGER '65**, James Krueger's greatest commitment outside of work is to sports, and he is drawn to aquatics in particular. The triathlete swims, dives and runs competitively and for fun—all in addition to managing his own professional negligence litigation practice in Maui. Krueger finished both the Ironman and Boston Marathon three times, and relaxes with his hobby of underwater photography.

Among Krueger's specialties are aquatic, aviation and transportation law, and he serves clients on the Hawaiian Islands, on the mainland and internationally. What he likes most about being a lawyer is "the feeling of contribution when we have been able to secure compensation for a seriously injured client, and the professional Aloha, respect and camaraderie gained over the years associating with quality lawyers and judges."

One of Krueger's greatest strengths is that he likes people and they like him. "I think I understand people," he claims. "I give clients the feeling that I really do care about what has happened and will go to the mat for them." The Beverly Hills High graduate admits that while in college at UCLA he was not a model student. Captain of the swim team his senior year, Krueger studied only as needed, focusing on his water polo and social life instead. "I went to law school sort of hoping to find something that would appeal to me," said Krueger. "I chose Loyola Law because of its academic discipline." Krueger quickly discovered that Loyola's academic standards demanded of him the same thing sports did—perseverance. "I think many alumni admire what Loyola Law School has achieved and believe we would never be admitted today," he noted.

Krueger is a self-described perfectionist. He writes his own briefs, and helped draft and pass legislation on public safety in recreational liability matters. Although he is very competitive, he says, "One thing I have had to learn is to leave that at the office before

going home." His four dogs help him keep perspective—he brought two Labradors home with him from New Zealand and two from England. In addition to spending time with the dogs, Krueger unwinds by reading spy, adventure and historical novels and magazines on sports cars, Italian cooking, swimming and photography. A frequent traveler, Krueger regularly visits Polynesia, Fiji, Tahiti and New Zealand to dive, and Italy to see friends and sample red wines and the cuisine.

The former freestyle and butterfly sprinter still exercises and competes regularly—Krueger was named national champion at the 2001 US Masters Short Course Swimming Championships, and in 2004 he took fourth place in the world, for his age group, in the 50-yard free stroke at the World Championships. He is extremely proud of his two children—Melissa is an attorney with Preston Gates & Ellis in Seattle; James just graduated from Seattle University—and of all his titles, the one he likes the most is "Dad."



**JANET T. DAVIDSON '77**, Real estate lawyer Janet T. Davidson recently retired and is busy traveling, hiking, cooking and playing golf with her husband Richard. Getting together with family members is a priority, as is time spent with friends. World travelers, there are only a few places the two have not been, and they are especially fond of trips to Latin America and Southeast Asia. "We like 'adventure travel,'" Davidson says.

Davidson still works part-time, and her more flexible schedule allows her to focus on community activities and board service. Davidson chairs the board of the Children's Hospital of Orange County. She serves on the boards of the Automobile Club of Southern California, The Carson Companies and the Orange County United Way. She has also volunteered in infant care units. "My family has always been very important as has been

serving in the community,” she says. In 1995, Loyola Law School recognized her with its 75th Anniversary Special Recognition Award for commitment to family, the profession and community.

Davidson is a native Angeleno, and the middle child of five. She credits her success as an attorney to her parents, whom she describes as ideal role models. “My father was a prominent Los Angeles lawyer and both my mother and father were community leaders. I grew up with great respect for lawyers and still view the law as a ‘noble profession,’” she says. “My father certainly set the standard.” Under her parents’ guidance, Davidson excelled in school and was a class leader. While in college, she planned to enter politics but she later changed course, got married and started a family. She decided to go to law school, and was drawn to Loyola’s evening program and the flexibility it offered. She passed on an appreciation of the law to her sons, who are also attorneys like their mother and grandfather.

After graduation, Davidson focused on her career. “I wanted to join a business law firm in Los Angeles and practice corporate work,” she said, “and I did that.” She joined Paul Hastings Janofsky and Walker, LLP—she interned with them for three summers—later transferring to the firm’s real estate practice in Orange County. Eventually she was promoted to managing partner of its Costa Mesa office. “I am very glad about my choice of law schools,” she adds. “Loyola was and is a very personal place. I had a terrific education and good opportunities when I graduated.”

An energetic person, Davidson respects balance and finds it through exercise and reading. “I always keep at least two books handy, and listen to another one on tape while walking,” she says. “My favorite books are medical or legal drama and biographies, and I absorb the newspaper.” She loves watching and playing tennis, and is newly passionate about golf. She walks at least an hour every day.

When her husband asked her to retire five years ago, she hesitated but took the leap, knowing time with him was precious. The best thing about retirement “is having choices to do what I want to do.” Maybe one of those choices will be visiting Antarctica, the only continent she has not tackled!



**HONORABLE LYNN D. “BUCK” COMPTON ‘49**, Baseball player, paratrooper, war hero, star prosecutor, judge, professional speaker, radio commentator, writer—all describe Lynn “Buck” Compton. Raised near downtown LA in the

1920s, Compton has fond memories of playing “kick the can” by lamppost light and dreaming of being a professional baseball player. He regularly rode the streetcar to Wrigley Field to see the Los Angeles Angels—a farm team for the Chicago Cubs—play. Even Compton’s nickname, Buck, is an homage to the game: “I wanted to play pro, so I picked a name that sounded like the Angels’ Truck Hannah. Buck rhymes with Truck, so there you go!”

Although a gifted baseball player at UCLA, Compton’s path to pro ball was blocked by the call to service in WWII. Assigned to Easy Company, the 506th Parachute Infantry Regiment of the 101st Airborne, Compton was part of the D-Day assault on Normandy. For his efforts that day, he was awarded the Silver Star. Compton ended his wartime service in a Paris hospital, recovering from frostbite from days and nights spent in freezing trenches. He returned home in 1946 and married Donna, now deceased, a year later. He had every intention of fulfilling his dream of being a professional ball player, but quickly learned he was likely too old to return to the game.

So, he focused the competitive nature honed on the baseball field on gaining entrance to Loyola Law School. His high school grades were less than stellar and tons of veterans were applying, thanks to the GI Bill. He met with Father Donovan, who was underwhelmed by the applicant. Compton remembers, “He reluctantly gave me his version of the LSAT and I did all right. He admitted me, but for the remainder of my law school years, he would kid me, half seriously, ‘You’re not going to make it. You’re not smart enough.’” Yet, as the years passed, the two became good friends.

After Loyola, Compton joined the LA District Attorney’s Office as a deputy DA. He was quickly made chief deputy district attorney, overseeing the largest prosecuting agency in the world. In 1968, he tried his last case—*People v. Sirhan Sirhan*, wrapping up his prosecutorial career as the lead attorney in one of the most notable cases of the decade. In 1970, Compton was appointed by Governor Reagan to the California Court of Appeal, the same court on which his law school classmate, the Honorable Otto Kaus ‘49, served.



The achievements of Compton and his colleagues in *Easy Company* were immortalized in the bestseller *Band of Brothers*, and thanks to its popularity, another of Compton's careers was born—these days he is often on the road, traveling to speaking engagements to share his experiences in WWII. He also spends his retirement years contributing legal and political commentary to a radio program and writing articles for a Republican Party newsletter. Compton still finds time, however, to visit with his daughters, Syndee and Tracy, and four grandchildren, all of whom live near him in Burlington, WA.



**JUSTICE MARK W. GIBBONS '75**, A native Californian, Justice Gibbons of the Nevada Supreme Court still maintains ties to home. Gibbons is a huge Dodgers fan and has season tickets to Chargers games. Nevadans do not hold that against him though—he was popularly elected to the Clark County District Court in 1997, to the Nevada Supreme Court in 2002 and re-elected since then.

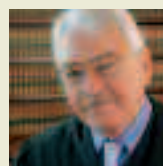
Of his work on the bench, Gibbons says, “The best part of my job is helping craft the case law for our state. Although I strongly believe that judges should interpret the law and not legislate, State Supreme Court justices have to make difficult decisions that are not covered by statutory authority or are mandated by the United State Supreme Court. My philosophy is to do the best I can and to make the right decisions. Hopefully, the voters will understand that I have done so.”

Growing up in Whittier, CA, Gibbons excelled in high school and later attended the University of California, Irvine, where he graduated with a BA in history. Although he once planned to be a doctor, he so enjoyed debate and politics that he decided on a legal career. “After I graduated from college, I applied to only two law schools,” Gibbons says. “Loyola Law School was my first choice. I enjoyed the flexible schedule that the Law School offered, including the ability to take classes during the day, in the evening and during the summer. My education at Loyola prepared me to immediately join a private law firm upon graduation.” A career in the justice system runs through his family—one brother is a corporate attorney, another a district judge, and his wife, Sandra, is a court reporter!

After law school, Gibbons represented businesses and contractors, both as plaintiffs and as defendants. He decided to enter politics and run for district court judge when the incumbent

vacated his seat to run for the Nevada Supreme Court. Successful in that race, he entered office in 1997. In addition to his responsibilities on the Nevada Supreme Court, Gibbons serves on an executive committee on case management and he chairs the statewide Specialty Court Funding Committee and the Jury Improvement Implementation Committee.

Through his work on the bench, his committee assignments and speaking engagements, Gibbons dedicates himself to enhancing the quality of the American judicial system—and eagerly awaits football season.



**ALEX R. MUNSON '75**, The Honorable Alex Munson and his wife Kathleen have a deep appreciation for the world's cultures—they hitchhiked around the world twice—so it is not surprising that they make their home on the Northern Mariana Islands, where Munson serves as chief judge of the US District Court.

Munson's jurisdiction covers 80,000 residents, and he is honored to represent such a distinct population—the islanders speak dozens of languages and, in addition to the native ethnic groups, families originally from China, Japan, South Korea, Thailand, Nepal, India, Sri Lanka, Bangladesh and the Philippines make the islands their home. As many as four languages may be used in one case, and almost all cases heard in Munson's court require a translator. “We have a great multilingual staff who keep the court running smoothly,” Munson said.

First appointed to the bench in 1982 by President Reagan, Munson served as chief justice of the High Court of the now extinguished Trust Territory of the Pacific Islands (Micronesia). Reagan later appointed him to his current post, and he was nominated for a second term by President Clinton.

As the only judge on the court, Munson's responsibilities, in addition to the normal criminal and civil docket, extend to bankruptcy cases and he and his clerk handle all the court's administrative matters. “I also sit as trial judge for the US District Court of Guam, and as a trial judge and on appellate panels for both the Supreme Court of the Republic of Palau and the High Court of American Samoa,” adds Munson. One of the toughest things about being a judge, Munson admits, is sending people to prison. “It's never pleasant. I am happy to say, though, that there is no aspect of being a judge

that I dislike. I enjoy the intellectual challenge and, if I could afford it, I would work for free.”

A former high school teacher and college professor, Munson is dedicated to developing the islands’ future leaders, and regularly welcomes students from local elementary and high schools and colleges to the Court. Munson has a BA and MA in secondary education from Cal State Long Beach and a PhD in higher education from USC. “Loyola has an excellent reputation for providing a solid grounding in the law. It has a great faculty. I made friends there and have maintained those friendships over the years, and for these reasons I recommend it to many young people who have expressed an interest in the law.”



**ROXANNE ROHWEDER '01 AND ANDREW T. MACK '01**, Alums Roxanne Rohweder and Andrew T. Mack live in the northernmost city in the US—Barrow, Alaska—which has one of the country’s harshest polar environments.

The temperature dips to 50 degrees below zero in the winter!

The two attorneys chose to practice above the Arctic Circle for the sake of adventure—there are no paved roads between their remote community and other villages: airplanes are the main mode of transportation to cities like Anchorage and Fairbanks. Also, Alaska is home: both were born and raised there, and they came to California for their legal education. They met as legal aides in Juno, and married two weeks prior to starting law school. Mack asked his mentor, Hon. Eric T. Sanders '75, for advice and Sanders pointed out Loyola’s outstanding reputation. Rohweder was impressed by the school’s numerous clinical programs. The two graduated in 2001 and headed home, passing the Alaskan bar on the first try. Mack started work with the Public Defender’s Office immediately, appearing in court his first day on the job.

The two are quick to point out that what they most appreciate about their Loyola education is that they learned to be practical lawyers. “I developed analytical skills, and I use the constitutional law issues learned from Professor Christopher May’s class,” said Rohweder. Mack is devoted to his job as a public defender—he believes the underdog needs a voice. His dedication is often rewarded by a locally-inspired gift, like an ivory carving. Rohweder, who focuses on labor law, says of her job, “I like that it’s multifaceted. Every day is different. I have a lot of responsibility and I truly feel like I am serving the public. I am able to experience human rights

issues, or deal with the Department of Environmental Conservation about a leaky fuel tank.”

Outside of work, the parents make time for their boys, Sullivan, three, and Revelin, five. They frequently visit the beach to search for rocks and fossilized ivory and they play basketball together. Will the Rohweder-Mack family stay in Alaska? Yes, but they may move to the southern part to warm up a bit!

## LOYOLA ALUMNI WELL REPRESENTED IN BAR LEADERSHIP 2004-2005

### LOS ANGELES COUNTY BAR ASSOCIATION

#### Executive Committee

##### President

John J. Collins (1961)

##### Barristers President

Luci-Ellen M. Chun (1998)

##### Trustees

Linda D. Barker (1982)

Thomas P. Cacciatore (1971)

Claire Cifuentes (1993)

Tomas A. Guterres (1990)

Lawrence E. Leone (1977)

### LOS ANGELES BAR ASSOCIATIONS AND ATTORNEYS ASSOCIATIONS

#### Beverly Hills Bar

Cynthia F. Pasternak (1976)

#### Century City Bar

Brian S. Kabateck (1989)

#### Consumer Attorney’s Association

Antony I. Stuart (1979)

#### Japanese American Bar

Akemi D. Arakaki (1998)

Craig Osaki (1996)

#### Korean American Bar

Robert S. Sheen (1994)

Victoria J. Suh (1994)

#### Mexican American Bar

Alan R. Diamante (1995)

#### San Gabriel Bar

Sheryl L. Lam (1998)

#### Santa Monica Bar

Daniel M. Cislo (1986)

#### Whittier Bar

Robert J. Anderson (1985)



# FIRST DAY, NEW JOB

By Jennifer Noe Pahre '86

My husband and I relocated from California to Michigan, and happily, I soon found a job with a fine Michigan firm. My supervising partner was Mark Riley, a tall, imposing man, with thick, well-groomed salt-and-pepper hair. He had been a military man, and it was easy to imagine him in command of a battalion. He and his office were both immaculate—the stacks on his desk appeared to have been squared with a ruler. His staff had the same efficiency; there was never a speck of dust or a loose paper anywhere. In a profession where success is often measured in the quality of work habits, he was a formidable attorney.

I began work in December. It had just snowed, and the old Volvo I drove did not have snow tires, anti-lock brakes or any form of traction control. Just getting to the freeway was an adventure; I kept sliding this way and that as I moved down the road. By the time I arrived at the office, I felt like I had things well in hand. I was wrong. After I parked, my car began to slide sideways downhill. It came to rest touching a candy-apple red sports car. I was worried—if I tried to move my Volvo, I might scratch that beautiful red paint.

I opened my car door, stepped out and whoomp! Down I fell, flat on my back. There was ice all around and my high heels (I had no snow boots) could not cope with it. Clutching the freezing cold car (I had no gloves), I struggled upright and gingerly made my way to the firm's entrance. The firm was located in an elegant, red-brick building, adorned with white pillars. The hushed reception area was carpeted in deep maroon and the walls and furniture were mahogany.

"I'm the newest lawyer, and today's my first day," I said to the receptionist. I was acutely aware that I was looking somewhat the worse for wear following my fall. "I also need to know who owns a red Camaro."

"That's Kristy's Camaro," she said. "Did you hit it?"

"Not really, but the cars are touching."

"Oh. Well, you'd better go talk to her. Just go down that hall and turn left." She added, "Good luck."

I followed her directions and found Kristy. I explained the situation and she erupted.

"You hit my car?" she shrieked. "Just who are you again?" She grabbed her coat. "I'm going to see how bad it is!"

A deep voice rumbled from the office behind Kristy's desk. "What a lovely start to the week," it said. Then a slim, well-dressed man emerged. "I'm Bruce Traxler, but I don't recall meeting you." I knew of Bruce Traxler; he was a legendary commercial litigation lawyer and a senior partner.

I introduced myself, and explained, "It's my first day. I just moved here from California."

"Hmm," he said, taking in my gloveless hands, bootless feet and warm-weather coat. Bruce made a quick call to two brawny law clerks who helped move my car and Kristy returned to work, her car undamaged.

I then settled into my office. Lunchtime came but I didn't want to leave, in case Mark Riley came to check on me. I decided to get something from the vending machine.

The vending machine, like the rest of the office, was first class. It had a variety of meal choices, including a "tuna fish lunch kit." It would make a fine lunch, and when Mark arrived, I would be there, tidily nibbling on crackers, reviewing documents—the image of a hard-working, dedicated young attorney. I took the lunch kit back to my office and arrayed its contents neatly on a paper towel on my shiny desk. Then, I opened up the tuna.

It was then that the real disaster struck. The can exploded at the first crack of the lid. Tuna went everywhere—all over me, all over the desk and all over the file in front of me. A particularly large chunk hung from the tip of my nose. And the smell; it smelled as only bad fish can smell.

Then: knock, knock. My door opened to reveal Mark Riley, here to visit his newest team member.

"Well, Jennie," he said, "I just wanted to check in and see how things were...."

He stopped in mid-sentence, sniffed, and then looked at me closely. Then we both spoke at once. "I had a bit of trouble with this can of tuna fish," I said, and he said, "I see that I've caught you in the middle of lunch, I'll come back later." He turned and disappeared down the hall.

I sat there, splattered with tuna fish, and thought, "My God, what will happen tomorrow?!"

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*Jennifer Noe Pahre is a 1986 graduate of Loyola Law School. She is admitted to practice in California, Michigan and Illinois, and is the partner-in-charge of the Champaign, Illinois office of Secrest, Wardle. She is also an adjunct professor of law at the University of Illinois College of Law.*

# LOYOLA WELCOMES NEW ASSOCIATE PROFESSORS

In fall 2005, two new associate professors join the Loyola Law School faculty. Kimberly West-Faulcon will teach Constitutional Law and Lee Petherbridge comes on board to teach Patent Law and Property.



Professor Kimberly West-Faulcon is the first person in her family to go to law school, and she did so to increase educational opportunities for economically disadvantaged students.

"I went to law school in hopes of continuing the work of Thurgood Marshall and I am very fortunate to have fulfilled that dream. While in school, I was struck by how many other African-American students did not have the same opportunities I did," says West-Faulcon. "As much as I enjoyed my civil rights practice, there is nothing more satisfying than influencing the caliber and character of future lawyers." West-Faulcon earned her BA summa cum laude from Duke University and her JD from Yale Law School. After law school, she clerked for the Hon. Stephen Reinhardt on the US Court of Appeals for the Ninth Circuit, and began her public interest legal career as a Skadden Fellow.

West-Faulcon was the architect and lead counsel for several major class action civil rights lawsuits challenging race discrimination, including *Castaneda v. Regents of California*, a Title VI challenge to the University of California at Berkeley's post-affirmative action admissions policy. She took on cases for minority plaintiffs challenging the employment practices of the Los Angeles Police Department and Abercrombie & Fitch, and she represented students in North Carolina

and Massachusetts. She is the former western regional counsel and director of the NAACP Legal Defense and Educational Fund.

A graduate of Yale Law School, West-Faulcon served as an editor of the *Yale Law Journal* and was founder and director of Project SAT, a volunteer program that provided no-cost SAT exam preparation to economically disadvantaged high school students. She also authored a note in the *Yale Law Journal*, "A Desegregation Tool that Backfired: Magnet Schools and Classroom Segregation," and co-authored (with Yale Professor Owen Fiss) a civil procedure instructional computer game, "Randolph County: A Game of Discovery," published by the Center for Computer-Assisted Legal Instruction.

West-Faulcon is admitted to practice in New York and California. As a member of several bar and civic organizations, she speaks regularly on many issues, from reform of the Los Angeles Police Department to Title VI theory and legal practice. Most recently, she was selected as a 2005 "Southern California Super Lawyer" by *Los Angeles* magazine and she was lauded by the *Los Angeles Daily Journal* and *Ebony* magazine. West-Faulcon's cases have been covered by national media, including NPR's "Tavis Smiley Show," *Education Week* and *The New York Times*.

Born and raised in North Carolina, West-Faulcon married her high school sweetheart and they have two children. She enjoys hiking and swimming, and searching through bookstores for new additions to her ever-growing collection of African-American children's books.





Professor Lee Petherbridge comes to Loyola Law School from Washington, DC, where he clerked for the Hon. Raymond C. Clevenger III of the US Court of Appeals for the Federal Circuit. Petherbridge's research focuses on

patent and intellectual property law, as well as on the rules and institutions that foster invention and innovation, and the impact of them on the public. At Loyola, he will teach Patent Law and Property. He notes, "Science and technology are drivers of a host of new and interesting legal and ethical issues, and often meaningfully addressing these issues is made easier by an understanding of the underlying science and technology. Most of my research and teaching interests derive from the intersection of law and bioscience."

On his move west, Petherbridge says, "Loyola is a law school with a great reputation. When I visited, I found the faculty to be very intellectually engaged. I am looking forward to working with quality students, something I know I will find at Loyola because of its excellent reputation. Loyola also has the advantage of being situated in a major metropolitan area that hosts a large amount of biotechnology infrastructure."

Petherbridge received his law degree from the University of Pennsylvania Law School. While at Penn, he was the managing editor of the *University of Pennsylvania Journal of International Economic Law* and competed in the Giles Sutherland Rich Moot Court Competition. He also worked at Penn's Civil Practice Clinic, representing economically disadvantaged clients, and he interned at the school's Center for Technology Transfer. Petherbridge

recently published "Is the Federal Circuit Succeeding? An Empirical Assessment of Judicial Performance," coauthored with Polk Wagner and "Intelligent TRIPS Implementation: A Strategy for Countries on the Cusp of Development" in the *University of Pennsylvania Law Review*.

Prior to law school, Petherbridge taught and performed original research in the life sciences. At Baylor College of Medicine, where he received a PhD, he studied molecular and cellular biology, and he has an MA in biological sciences from Smith College. "I left science and became a lawyer for professional and personal reasons," he said. "Professionally, I felt that science as a profession had become quite limiting. The practical reality of the profession is that often one is cabined to a very discrete and small area of research and intellectual participation, which is frustrating."

After some soul searching, Petherbridge decided he needed a change and looked to the law. "Law is very intellectually stimulating," he says. "The training and discourse that attends law is unparalleled in its ability to empower a person to inquire, reason and meaningfully participate in a broad array of subjects. I hope that by teaching law I can impart that a legal education makes nearly any future possible."

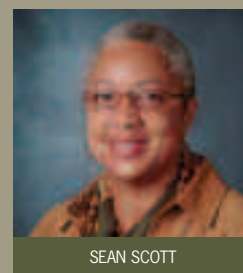
Petherbridge and his wife Kristin—who has a PhD in molecular and cellular biology and is a freelance scientific editor—are parents to a one-year-old son. Petherbridge's hobbies include running, skiing and reading, and he is admitted to practice before the courts of several states and the US Court of Appeals for the Federal Circuit. He is registered to practice before the US Patent and Trademark Office.

LOYOLA LAW SCHOOL

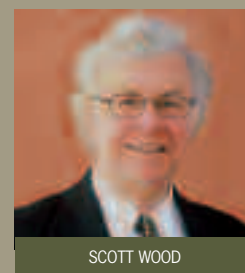
# CONGRATULATES

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# 2004-05



SEAN SCOTT



SCOTT WOOD

# SPOTLIGHT ON FACULTY SUPPORT SERVICES

Led by Pam Buckles, the Faculty Support Services Department supports Loyola Law School faculty, and is made up of Ruth Busch, assistant director; Thelma Wong Terre, faculty budget coordinator; Sandra Young, senior secretary; and Mell Banez, Betty Kinuthia, Elizabeth Luk, Amy Nakano, Byllie Richardson, Elisa Gonzalez, Bridget Klink and Valda Hahn, legal secretaries.

Department members' skills are broad, and they rely on their intelligence, creativity and legal knowledge. They help faculty prepare courses by researching legal topics from elder abuse to entertainment law. They also create and update professor Web pages, edit copy and work with multiple Law School departments to ensure that classes, symposia and exams run smoothly. "We're the liaison between the faculty and Loyola's many other offices," explains Buckles.

The Faculty Support staff often work with tight deadlines and competing priorities. Asked how so few people function so well for so many faculty members, Buckles answered quickly: "Communication is key to keeping our team together, and that's what Faculty Support is—an effective team. If we have an emergency project from a faculty member, Faculty Support staff are excellent at discussing the challenge, pulling together and chipping in. They exhibit cooperation, kindness, responsibility and respect for each other and each other's work, especially under pressure."

The Law School faculty concurs with Buckles. "Faculty Support Services is filled with wonderful people who are in command of their tools and eager to share their skills with faculty," says John Nockleby, professor of law and director of the Civil Justice Program.



The Faculty Support team [l to r]: Byllie Richardson, Thelma Wong Terre, Ruth Busch, Elisa Gonzalez, Pam Buckles, Betty Kinuthia, Bridget Klink, Valda Hahn, [seated] Mell Banez and Liz Luk (not pictured: Amy Bihl-Nakano and Sandra Young)

Professor Laurie Levenson, William M. Rains fellow and director of the Center for Ethical Advocacy, agrees. "Simply stated, Faculty Support at Loyola is the best! I can't believe that all those good folks put up with me as much as they do. Byllie Richardson is a saint. I'm especially thankful to Ruthie, Pam, Sandra and Betty for their help with all of my projects, and my hat goes off to Thelma for keeping our finances in order and to Valda for running the clerkship program. They are consummate professionals." Thelma Terre returns the complement, saying, "I really enjoy working with the faculty. They're interesting, personable, considerate, supportive, thoughtful, nurturing and generous. I learn something different from each one of them." Buckles agrees, adding, "We're as successful as we are because of the faculty."

All good teams have a great leader, and Buckles fits the bill. She trained her team well, perhaps because she walked in their shoes. She joined Loyola 24 years ago as a legal secretary, intending to pursue a law degree at Loyola outside of work hours. Within a few years, however, she was named director of the Communications Center, the original name for Faculty Support Services. While at the

Law School, she earned an MBA from Loyola Marymount University, married and became a mom. Her responsibilities grew over the years, as she also oversees the Information/Mail Center, the Law Review/Academic Forums Office and the Institutional Research Office. "After all these years," says Buckles, "I still find that Loyola is like a family, and I still find my work interesting and challenging."

Buckles's accomplishments include regularly enhancing the Department's technology. Faculty Support was the first department to move from typewriters to stand-alone computers, and it was the first department to network within a department. School-wide networking would not come for another two years. Buckles recalls, "Ruth, Thelma and I came in on a weekend, and assisted by the school's computer coordinator, hooked up all the computers ourselves so the office could share files. There was no technology department at that time, and our own hands created Loyola's first server, which sat right in our department. We knew even back then that the more information we could share, the more productive we would be."

Some of Buckles's biggest fans are the members of Faculty Support, and the longevity of their employment testifies to this. Says Elizabeth Luk, who worked alongside Buckles for the past 20 years, "What is so unique and special about this department is that it's comprised of caring individuals who are more like a family than co-workers. Many of us grew up together! If one person were to stand out, it would be Pam Buckles. It's amazing how she's put together a group of people who work together as a team and get along so well. We are so fortunate to have such a caring, supportive supervisor."

Well-respected by many within the Law School community, Buckles is known around campus for creating a workplace where staff want to come to work. While she is keenly aware that the success of this Law School primarily hinges on the work of the faculty, she discovered how to balance professors' needs with those in the department that supports them. That has made all the difference at Loyola.

## *Is intellectual property your focus?*

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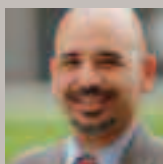
Patent Litigation  
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February 4, 2006

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# updates

## faculty

**PROFESSOR ELLEN APRILL**, John E. Anderson chair in taxation, co-authored "American Bar Association Section of Taxation Report of the Task Force on Judicial Deference," which was published by *Tax Lawyer*. She also published "The Interpretive Voice" in the *Loyola of Los Angeles Law Review*. Aprill chaired the eighth annual Western Conference on Tax Exempt Organizations, sponsored jointly by Loyola Law School and the Internal Revenue Service. Aprill moderated a panel on taxation of governmental entities at the ABA Tax Section's January meeting, and at its May meeting, she moderated a panel on what adjuncts and full-time tax professors can learn from each other. She remains a member of the Council of Directors of the ABA Tax Section and the Board of Advisors of New York University's Center on Philanthropy and Law, as well as the University of Southern California's Federal Tax Institute Planning Committee, the Academic Advisory Board of the Tannenwald Foundation for Excellence in Tax Scholarship and the Board of Editors for a forthcoming tax LLM textbook. In fall 2005, she will take on the post of associate dean for programs.



**PROFESSOR WILLIAM D. ARAIZA** published three articles: "The Section 5 Power After *Tennessee v. Lane*" in the *Pepperdine Law Review*; "The Section 5 Power and the Rational Basis Standard of Equal Protection" in the *Tulane Law Review*; and "In Praise of a Skeletal Administration Procedure Act: *Norton v. Southern Utah Wilderness Alliance*—Judicial Remedies for Agency Inaction and the Questionable Value of Amending the APA" in the *Administrative Law Review*. Also, Araiza's book review of Christopher Kendall's *Gay Male Pornography: An Issue of Sex Discrimination* was accepted for publication by the *Journal of the History of Sexuality*. In July, he spoke at the annual conference of the Southeastern Association of Law Schools on "Equality and Liberty in *Lawrence v. Texas*." During the spring 2005 semester, Araiza was a visiting professor at Washington and Lee University School of Law.

He was named an associate dean of academic affairs by Dean David W. Burcham and will assume those responsibilities in the fall of 2005.

**ASSOCIATE CLINICAL PROFESSOR CINDY ARCHER**, together with Associate Clinical Professor Scott E. Wood, addressed the Loyola Alumni Association's Entertainment Law Section at events in November and December 2004 on "The Ethical Duties of Lawyers in Transactional Negotiations" and "Gender, Race and Cultural Bias in Negotiations" as Minimum Continuing Legal Education presentations.

**PROFESSOR JEFFERY ATIK**, Sayre Macneil fellow, continues to serve as a US panelist on the North American Free Trade Agreement (NAFTA) softwood lumber antidumping review panel. Atik delivered the inaugural lecture in the NAFTA Seminar at Columbia Law School on "Five Expressions of NAFTA" in January 2005. He also presented papers on Afghanistan's trade and investment policies to the International Economic Law Group of the American Society of International Law in February and at the University of California Davis School of Law in March 2005. Atik was a visiting professor at Lund University in Sweden in spring 2005 and taught in the Loyola Summer Program in Beijing in July and August 2005.

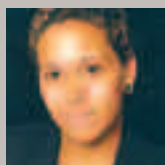
**CLINICAL PROFESSOR BARBARA A. BLANCO**, faculty externship director, co-authored "Externship Field Supervision: Effective Techniques for Training Supervisors and Students" with Clinical Professor Sande L. Buhai '82 in the *Clinical Law Review*. In addition, Blanco, on behalf of the Greater Los Angeles Consortium on Externships, will bring the next national externship conference to Loyola Law School in spring 2006.

**PROFESSOR JEAN BOYLAN '86** presented at the National Legal Writing Institute in July with Professor Susan Smith Bakhshian '91 on "Teaching Legal Writing to Non-Traditional Law Students."

She also continued to serve on the Board of Directors of HeArt, a nonprofit group dedicated to providing art and music programs to disadvantaged high school students.

**CLINICAL PROFESSOR SANDE L. BUHAI '82**, faculty public interest law director, received the 2005 Father Robert Drinan Award from the American Association of Law Schools' Pro Bono and Public Interest Section. This national award honors those who promote the ethic of public interest and pro bono in a law school setting. In spring 2004, Buhai published "In The Meantime: State Protection of Disability Civil Rights" in the *Loyola of Los Angeles Law Review*.

**PROFESSOR ROBERT S. CHANG**, J. Rex Dibble fellow, has the following articles and book chapter forthcoming: "Business as Usual? *Brown* and the Continuing Conundrum of Race in America," with Jerome Culp, in the *University of Illinois Law Review*; "A Call from Jerome," in the *Villanova Law Review*; "The Adventure(s) of Blackness in Western Culture," with Adrienne Davis, in the *University of California Davis Law Review*; and "Whom Are You Rooting For? Transnationalism, the World Cup and War," in *Pedagogies of the Global: Transnationalism, Ethnicity and the Public Sphere*. Chang also presented papers at the 11th Conference of Asian Pacific American Law Faculty at Michigan State University School of Law; at the Critical Race Feminism Symposium at the University of California Davis School of Law; and at the Second National People of Color Legal Scholarship Conference at George Washington University Law School. At George Washington, Chang was honored with a Distinguished Scholar Award.



**ASSOCIATE PROFESSOR OF LAW BRIETTA R. CLARK** published "A Roadmap for Change or an Empty Promise? The Role of Title VII and the PDA in the Continuing Battle for Gender Equality in Reproductive Health Care" in the *University of Minnesota Law and Inequality Journal*. In March, Clark was a panelist in a symposium sponsored by the *DePaul Journal of Health Care Law* and the Center for the Study of Race and Bioethics. Her topic was "Disentangling Fact from Fiction: The Realities of Unequal Health Treatment." She also participated in the Annual Society of Law Medicine and Ethics Health Law Teachers Conference in June. Earlier in the year, she helped organize and moderate an MCLE conference at Loyola Law School: "Managed Care: Past, Present

and Future," which was sponsored by the Los Angeles County Bar Association Health Law Section. This past summer, Clark was a panelist in a San Diego regional roundtable discussion on legal and ethical issues of bioengineering. She continues to serve on the California Hospital Medical Center Institutional Review Board and as a member of Loyola's Admissions Council Services and Programs Committee.

**PROFESSOR JAN C. COSTELLO** spoke on "Teaching Mental Disability Law Across the Curriculum: Child and Family Law, Due Process and Legal Method" at the annual meeting of the Law and Mental Disability Section of the Association of American Law Schools in January 2005. In April, Costello presented on "Capacity to Appoint a Proxy for Health Care Decisions" at the Conference on Capacity to Consent to Treatment and/or Research: Legal and Psychiatric Dimensions, held at the University of Southern California Law Center. Her comments will be published with the other papers from the conference in the *Journal of Law and Human Behavior*. Costello continues to serve on the Editorial Board of the *Juvenile Correctional Mental Health Report* and on the faculty of the University of California Los Angeles Psychiatric Forensic Fellowship Program.

**ASSOCIATE CLINICAL PROFESSOR MARY B. CULBERT '84**, director of the Loyola Law School Center for Conflict Resolution, participated in two panels at the fourth annual National Association for Conflict Resolution Conference in September 2004 on "Confidentiality, California Style: The Statute and Its Challenges" and "Alternative Dispute Resolution Program Funding 101: The Los Angeles County Dispute Resolution Program." In October 2004, Culbert joined the California Dispute Resolution Council's forum on "Mediator Competency: Who will Govern ADR?" and she coached mediators for the Second District Appellate Court Mediation Training Program. Culbert conducted two mediation trainings at the Center for the community-at-large in November 2004 and February 2005, and will conduct two more trainings during the 2005-06 academic year. She hosted the 11th Annual ADR Policy Conference—"ADR in a New Era: Protecting and Ensuring Access to Justice" at Loyola Law School in November 2004, and co-hosted the ABA Regional Negotiation in Mediation Competition at Loyola in March 2005 along with adjunct professor Sara Campos '99. Culbert's article, "Regulation of Attorney Mediators—On the Horizon," appeared in the spring 2005 edition of the *Southern California Mediation*



*Association Newsletter*. In April 2005, she was on two panels at the American Bar Association Dispute Resolution Conference: "The Politics of Confidentiality" and "Exploring Private Practitioner and Legal Services Partnerships with Community Mediation Centers." Culbert continues to serve on several mediation panels, including the Los Angeles Superior and Appellate Courts, and she serves as an advisory member to the State Bar ADR Committee.

**PROFESSOR F. JAY DOUGHERTY** taught International Entertainment Law classes in Paris and Munich in summer 2004. While in Paris, Dougherty served as a judge in the International Negotiation Competition. In Munich, he recorded one of his original songs. Dougherty spoke before the Foley & Lardner Intellectual Property Roundtable on "P2P File Sharing and the Grokster Decision," and addressed the Los Angeles County Bar Association's Intellectual Property and Entertainment Law Section annual symposium on the topic, "Issues in Motion Picture Distribution." He also spoke at the American Law Institute-American Bar Association Entertainment, Arts and Sports Law Symposium on "Trademark Law in the Entertainment Industry" and at the Los Angeles Copyright Society on "Copyright Protection for Yoga Sequences, Sports Plays and Choreography." In addition, Dougherty gave a presentation and moderated a panel for the Loyola Entertainment and Sports Law Society on current issues in the digital distribution of music. He also organized and hosted programs on P2P file sharing under German law and ethics and gender/cultural bias in negotiations. He wrote a chapter entitled "The Many Means of Celebrity" for the International Association of Entertainment Lawyers' 2005 *Annual*. Dougherty spoke on NPR's "Marketplace" on ownership of sound recordings. He also participated in the preparation and signing of an *amicus* brief requesting that the United States Supreme Court grant *certiorari* in the Grokster case. In April, he organized a symposium, "Soft Money: Accessing Film and TV Production Incentives Worldwide," at Loyola.



**PROFESSOR EDITH Z. FRIEDLER '80**, director of international programs, will launch Loyola Law School's Master of Laws in American Law and International Legal Practice. Classes will begin in fall 2006. Friedler gave two presentations in Bologna; one sponsored by the Facolta di Giurisprudenza of the University of Bologna and the other by Italian law firm Macchi DiCellere Gangemi. She also presented at a conference

in Milan sponsored by the Milan Chamber of Arbitration. In 2004, Friedler published "La Reglamentacion de la Abogacia en Estados Unidos" in *Revista del Abogado, Publicacion del Colegio de Abogados de Chile*.

**PROFESSOR VICTOR J. GOLD**, William M. Rains fellow, published annual updates to his four books in the *Federal Practice and Procedures* series. In June 2005, Gold returned to full time teaching after serving five years as associate dean of academic affairs.

**PROFESSOR RICHARD L. HASEN** was named the William H. Hannon Distinguished Professor of Law at a dedication ceremony in March 2005. In late 2004, he visited Australia to research the Australian system of election administration. He also spoke about US election law issues at several universities and on Radio National Breakfast. During the election season, Hasen appeared in several media outlets including NBC, CNN, FOX, *The New York Times*, the *Wall Street Journal*, the *Washington Post*, *US News and World Report* and *Newsweek*. During the 2004-05 academic year, Hasen published the following books and articles: *Election Law: Cases and Materials* (co-author); "Rethinking the Unconstitutionality of Contribution and Expenditure Limits in Ballot Measure Campaigns" in *Southern California Law Review*; "The Supreme Court and Election Law: A Reply to Three Commentators" in the *Journal of Legislation*; "Congressional Power to Renew the Preclearance Provisions of the Voting Rights Act After *Tennessee v. Lane*" in *Ohio State Law Journal*; "Buckley is Dead, Long Live Buckley: The New Campaign Finance Incoherence of *McConnell v. Federal Election Commission*" in the *University of Pennsylvania Law Review*; "A Critical Guide to *Bush v. Gore*" in the *Annual Review of Political Science*; and "Looking for Standards (in All the Wrong Places): Partisan Gerrymandering Cases after *Vieth*" in the *Election Law Journal*. Hasen also spoke at the Association of American Law School's annual meeting and at the Conference on Direct Democracy.

**PROFESSOR PAUL T. HAYDEN**, Jacob J. Becker fellow, published the fifth edition of his casebook *Torts and Compensation*, co-authored with Dan B. Dobbs. Hayden also continues his work on the Members Consultative Group of the American Law Institute on the Restatement (Third) of Torts: Liability for Physical Harms.

**VISITING ASSOCIATE PROFESSOR OF LAW EVE L. HILL**, executive director of the Western Law Center for Disability Rights, was

named a “Super Lawyer” by *Los Angeles* magazine in the Civil Rights category. Hill is co-authoring *Disability Civil Rights Law and Policy*, which will be published in 2005. Hill is co-chair of the US Access Board’s Advisory Committee on Courthouse Accessibility, is a member of the American Bar Association’s Commission on Mental and Physical Disability Law and is on the Blue Ribbon Task Force on the impact of the Americans with Disabilities Act. She is also a member of the Board of Governors for the Women Lawyers Association of Los Angeles and she co-chairs the Board’s Judicial Appointments Committee.

**PROFESSOR ALLAN IDES ‘79**, William M. Rains fellow, published “The Partial-Birth Abortion Ban Act of 2003 and the Commerce Clause” in *Constitutional Commentary*.



**PROFESSOR LISA CHIEMI IKEMOTO** was a visiting professor at the University of California Davis School of Law for the 2004-05 academic year, and participated in several conferences.

In June 2004, Ikemoto spoke at the Jay Healey Memorial Plenary, the Annual Health Law Teachers Conference and at the Association of American Law Schools Property Law Conference. Late last fall, she presented a paper on the role of abortion politics in the regulation of biomedical regulation at the Annual American Public Health Association Conference. In February 2005, Ikemoto presented “Round Up the Usual Suspects: Infectious Disease, Public Health Authority and Race” to the University of California Davis faculty. In March, she presented “Race to Health: Discourses About Race in Health Care and Biomedical Research” at the DePaul University Health Law Symposium. She also spoke at two conferences in April: a critical race feminism symposium held by the *University of California Davis Law Review*, and a conference on becoming a law professor at the University of Santa Clara. Ikemoto is a member of the Law School Admissions Council Board of Trustees, serving as a liaison to the Law School Admissions Council’s Services and Programs Committee. Ikemoto is on the Los Angeles County Bar Association Medical Association Bioethics Committee, and continues as an advisor to Asian Communities for Reproductive Justice. Additionally, Ikemoto has been actively following the work of the newly formed California Institute for Regenerative Medicine, the product of Proposition 71.

**PROFESSOR KURT T. LASH**, W. Joseph Ford fellow, won the 2005 Peterson Prize National Writing Competition on the Tenth Amendment for his paper “James Madison’s ‘Celebrated Report’ of 1800: The Transformation of the Tenth Amendment.” He also will publish three articles: “The Lost Original Meaning of the Ninth Amendment” and “The Lost Jurisprudence of the Ninth Amendment” in the *Texas Law Review* and “Reconstructing Strict Construction” in the *William and Mary Law Review*. Lash spoke at the Loyola Clavigerri Society Annual Meeting on “One Nation Under God: The Supreme Court and Religious Liberty” and presented a paper on “The Lost History of the Ninth Amendment” at the annual Federalist Society faculty conference. In addition, Lash presented a paper on “St. George Tucker and Constitutional Interpretation” at the William and Mary School of Law in spring 2005.

**PROFESSOR DAVID P. LEONARD**, William M. Rains fellow, was appointed co-chair of the American Bar Association’s Criminal Justice Section Committee on Rules of Criminal Procedure and Evidence. Leonard organized a *Loyola of Los Angeles Law Review* symposium on privileges, and wrote the foreword for the symposium. Leonard also published the 2005 supplement to *The New Wigmore: A Treatise on Evidence—Selected Rules of Limited Admissibility*. His Op-Ed on the admissibility of evidence in the Michael Jackson trial was published by the *Los Angeles Times* in March.

**PROFESSOR LAURIE L. LEVENSON**, William M. Rains fellow and director of the Center for Ethical Advocacy, was a panelist at the California Aware Forum of First Amendment Issues, speaking on “Access to the Courts.” She also spoke at the Orange County Dinner with a Scholar Forum on “Lessons of High-Profile Trials.” During 2005, Levenson published *California Criminal Law*, *California Criminal Procedure*, *Federal Criminal Rules Handbook* and *Glannon Guide on Criminal Law*. She also published several articles in the *National Law Journal* and the *Los Angeles Daily Journal*. Levenson is a regular lecturer for the Federal Judicial Center and coordinated several on-campus programs as director of the Center for Ethical Advocacy. She is a member of the Los Angeles County Judicial Appointments Committee and chair of the United States Court Magistrate Judge Merit and Selection Panel. Levenson is frequently quoted in the media on major criminal trials.

**PROFESSOR YXTA MAYA MURRAY** published her fourth novel, *The Queen Jade*, and the article “Tragicomedy” in the *Howard Law Journal*. *Latina* magazine profiled her in February 2005.

**PROFESSOR THERESE H. MAYNARD**, Leo J. O'Brien fellow, published *Mergers & Acquisitions: Cases, Materials and Problems*, and she continues to lecture on corporate governance reform measures adopted in the wake of the Sarbanes-Oxley Act, including giving the keynote address at a conference for bank directors. She is still an academic liaison to the Executive Committee of the Business Law Section of the Los Angeles County Bar Association. In summer 2005, Maynard traveled around the US lecturing for a bar examination preparation program.

**PROFESSOR GERALD T. MCLAUGHLIN**, former dean, published an historical novel, *The Parchment*. The work spans two millennia and offers a timely glimpse into how persons make moral choices in the face of the ongoing battle between good and evil. It can be purchased online at Barnes & Noble and Amazon.



**ASSOCIATE PROFESSOR ALEXANDRA NATAPOFF** won the 2004 Outstanding Scholarship Award from the Association of American Law Schools Criminal Justice Section for “In a Missing Voice: The Silencing of Criminal Defendants.” Natapoff’s article, “Snitching: The Institutional and Communal Consequences,” is forthcoming in the *University of Cincinnati Law Review*. It was selected for excellence by the 2004 Stanford/Yale Junior Faculty Forum.

**PROFESSOR JOHN T. NOCKLEBY** was appointed director of the Civil Justice Program, and he organized its first symposium in October 2004. “Can Business Co-exist with the Civil Justice System?” was attended by scholars, practitioners, business leaders and journalists, and resulted in publication of a special *Loyola of Los Angeles Law Review* issue and a set of DVDs of the panel discussions. The second annual symposium, “The Economics of Civil Justice,” is set for September 30 and October 1, 2005. Nockleby was awarded the 2004 Consumer Education Award by the Consumer Attorneys Association of Los Angeles, which recognizes outstanding work in educating the public on the civil justice system. Nockleby serves as executive producer of a mock trial DVD directed by Courtney Selan '04 and is co-author—with

Professor Susan Poehls and Emily Terrell '04—of a forthcoming trial practice book, *The Theory of the Case*. In March 2005, Nockleby published “The Past and Future of ‘Tort Reform,’” with Shannon Curreri, in the *Loyola of Los Angeles Law Review*. He also published “How to Manufacture a Crisis: The Vacuity of ‘Tort Reform’ Arguments,” which is forthcoming. Nockleby’s current projects include a book, *The Politics of Injustice: The Right Wing Attack upon Democratic Accountability Through Courts*, and a textbook, *Torts and Compensation*, with Duncan Kennedy. Nockleby spoke at several conferences during the 2004-05 academic year, including the Seventh Amendment Summit, sponsored by several national trial organizations, and a privacy and publicity seminar organized by Professor Jay Dougherty.

**PROFESSOR KATHERINE T. PRATT**’s most recent publications are “Inconceivable? Deducting the Costs of Fertility Treatment,” published by the *Cornell Law Review* and “Corporate Cancellation of Indebtedness Income and the Debt-Equity Distinction,” published by the *Virginia Tax Review*. The fourth edition of *Federal Income Tax: Examples and Explanations*, co-authored with Joe Bankman and Tom Griffith, will be published in 2005. In September 2004, Pratt presented on “Food Excise Taxes” at the second annual Legal Approaches to the Obesity Epidemic Conference hosted by the Public Health Advocacy Institute. In April 2005, she presented a paper, “Normative Justifications for Food Excise Taxes,” as part of the 2005 Tax Policy and Public Finance Workshop at UCLA’s School of Law.

**PROFESSOR DAN S. SCHECHTER** spoke before the National Association of Bankruptcy Trustees in September 2004 on “Alter Ego Claims in Bankruptcy,” and the Los Angeles County Bar Association in February 2005 on “Current Developments in Fraudulent Transfers and Preferences.” Schechter published “Recent Developments in Insolvency Law” in the spring 2004 edition of the State Bar’s *California Business Law News*. He continues to write the “Commercial Finance Newsletter,” his weekly column published by Westlaw. Schechter also serves as the quarterly opinion columnist for the Commercial Law and Bankruptcy Section of the Los Angeles County Bar Association. He sits on the State Bar Insolvency Law Committee. Schechter was responsible for drafting an amendment to the California Uniform Fraudulent Transfer Act, which was enacted by the Legislature, and signed by the governor in June 2004.

**PROFESSOR DANIEL P. SELMI** addressed the Environmental Law Section on the use of alternative dispute resolution in environmental law cases at the California State Bar Association's annual conference. The second edition of his co-authored casebook, *Land Use Regulation: Cases and Materials*, was published. Selmi also published his annual article reviewing the top California environmental and land use law cases in the December 2004 issue of the *California Environmental Law Reporter*. In November, he was an invited participant at the annual Clift Conference of Environmental Lawyers.



**PROFESSOR THEODORE P. SETO** published "Originalism vs. Precedent: An Evolutionary Perspective" as part of a *Loyola of Los Angeles Law Review* symposium on theories of interpretation, and presented a paper on "A General Theory of Normativity" to Loyola Marymount University's Philosophy Colloquium. In addition, together with Associate Professor Robin Kar of Loyola, Seto founded the Center for Interdisciplinary and Comparative Jurisprudence at Loyola, which sponsors classes on economics and philosophy for law school faculty and workshops by visiting distinguished scholars.

**PROFESSOR SUSAN SMITH BAKHSHIAN '91** presented with Professor Boylan '86 at the Legal Writing Institute in July 2004. The presentation focused on non-traditional students and legal writing instruction. In March 2005, Bakhshian gave a presentation at the Rocky Mountain Regional Legal Writing conference on new ways to teach persuasive writing.

**PROFESSOR MARCI STRAUSS** published "Torture" in the *New York Law Review*. At Ohio State in October 2004, Strauss presented "The Lessons of Abu Ghraib," which will be published by the *Ohio State Law Journal* in 2005. She also spoke at Stetson Law School on "The Legal Profession's Response to Torture," and on the role of lawyers and torture at a Stetson Law School conference.

**PROFESSOR PETER M. TIERSMA**, Joseph Scott fellow, published *Speaking of Crime: The Language of Criminal Justice*, and two articles, "Cops and Robbers: Selective Literalism in American Criminal Law" in *Law and Society Review* and "Did Clinton Lie? Defining 'Sexual Relations'" in the *Chicago-Kent Law Review*, all co-authored

with Lawrence Solan. Tiersma hosts a Web site on language and the law—[languageandlaw.org](http://languageandlaw.org). He is a member of both the civil and criminal jury instruction committees of the California Judicial Council and has been advising Vermont judges on their instructions in a project sponsored by the National Center for State Courts.

**PROFESSOR GEORGENE M. VAIRO**, William M. Rains fellow, published "Mass Torts Bankruptcies: The Who, the Why and the How," in *Bankruptcy Law Journal* and "Happy (?) Birthday Rule 11" in the *Loyola of Los Angeles Law Review*. Vairo also presented a paper at a *Stanford Law Review* symposium on litigation and its alternatives, and participated in the symposium's panel on private administrative trusts. Her article will be published in the *Stanford Law Journal*. Vairo supervised the *Loyola of Los Angeles Law Review's* recent issue on forum selection issues.

**ASSOCIATE CLINICAL PROFESSOR CYN YAMASHIRO '93**, director of the Center for Juvenile Law and Policy, developed and launched the Center in 2004. He spoke on "Ethics in Juvenile Practice" before the Los Angeles County Public Defender's Statewide Juvenile Defense Conference in April 2005.

**PROFESSOR FLORRIE YOUNG ROBERTS** is an expert reviewer for the Multistate Performance Examination of the National Conference of Bar Examiners. She is also writing an article, "Disclosure of Off-Site Conditions: Drawing the Line at the Property Line." Roberts is a member of the Steering Committee for the General Real Estate Section of the Los Angeles County Bar Association's Real Property Law Section, and she volunteers for the Human Resources Committee of the San Gabriel Valley Chapter of the American Red Cross.

## STUDENTS REINVIGORATE INTERNATIONAL LAW SOCIETY

The International Law Society (ILS) is a newly re-established group at Loyola Law School, founded in response to an increasingly global market and world. Led by Professor Edith Friedler, the society seeks to advance the understanding of the practice of international law by organizing discussions, networking events and social events.

Yasmin Mang and Meishya Yang relaunched the ILS at the start of the 2003-04 academic year. Asked why, Yang, who hopes to build a career at the UN, said: "During our first year of law school, Yasmin and I saw that ILS didn't have much presence on campus, to the point that almost no one knew it existed, so when we took over the organization, we really made an effort to publicize ILS and plan more events to get students interested in international law." Mang, who has an LLM in European law and is fluent in German, added, "Los Angeles is the hub of many international businesses and Loyola should be taking advantage of that."

Rupa Shah, who led the ILS in 2004-05, expanded the group's activities by launching the "Global Insight Series," which included an event on international business law, with a panel of four attorneys. That year, the ILS also organized a talk with Judge Manuel Jose Cepeda Espinosa from the Colombian Constitutional Court. Additionally, ILS hosted career development events like networking mixers and regular lunchtime events on "Finding Careers in International Law." Mang lauded Shah's efforts: "Rupa did a great job this past year organizing even more events!" Yang agreed: "The ILS board has done a fantastic job of expanding ILS even more and I hope it stays strong in the years to come."

Mang concludes, "International law is the law of the future. It is the law of politics, of trade, of human rights, and it is gaining in importance. I would hope that someday soon, law students at Loyola are required to take a class in international law."

## The Tax LLM Program at Loyola Law School

LOYOLA OFFERS RIGOROUS POST-GRADUATE  
TRAINING LEADING TO THE MASTER OF LAWS  
IN TAXATION DEGREE.

All courses in the LLM program are offered in the evening, and students may attend part-time or full-time.

### CURRICULUM

Affiliated Corporations  
Bankruptcy Taxation  
Corporate Taxation I and II  
Criminal Tax Practice and Procedure  
Employee Pensions and Benefits  
Estate and Gift Taxation I and II  
Estate Planning  
Honors Tax Research  
Income Tax Timing Issues  
Income Taxation of Property Transactions  
Income Taxation of Trusts and Estates  
International Taxation I, II and III  
Partnership Taxation I and II  
State and Local Taxation  
Tax Aspects of Business Planning  
Tax Policy  
Taxation of Corporate Mergers, Acquisitions and  
Reorganizations  
Tax Practice and Procedure  
Taxation of Intellectual Property  
Tax Exempt Organizations

For more information, contact Jennifer Kowal at [jennifer.kowal@lls.edu](mailto:jennifer.kowal@lls.edu), 213.736.8349 or visit [www.lls.edu](http://www.lls.edu).

Enrollment is limited to applicants with a JD or LLB from an ABA-accredited American law school or the foreign equivalent. All students must have completed an introductory US federal income tax law course of at least three semester units prior to entry into the program. Applicants can meet this requirement by taking Loyola's Income Taxation I as special students during the spring or summer term prior to matriculation.



# LOYOLA LAW SCHOOL STUDENTS PREPARE TAX RETURNS FOR NEEDY

Students at Loyola Law School, working with the Volunteer Income Tax Assistance (VITA) program, prepared over 2,000 tax returns, mostly for the working poor, students and the elderly. Donating over 4,000 hours between February and April to preparing 2004 federal and state returns, 196 Loyola students saved clients at least \$65 each, the minimum cost of commercial tax preparation services.



**Barbara Blanco, who co-directs the program at Loyola, said:**  
“This year, the average refund for those who filed with VITA’s help was several hundred dollars. One student identified a \$3,000 refund, and that client was nearly in tears at the news!”

Loyola Law School has participated in the VITA program for over 20 years, when Professor Joe Sliskovich formed a partnership with the IRS to train students in basic tax law. This year, in addition to the 4,000 hours devoted to preparing returns for clients, Loyola students also spent 1,000 hours in training classes. The training classes, offered at Loyola Law School, were developed with the IRS and Broad Spectrum, a community service agency. This partnership permitted Loyola students to prepare returns on tax preparation software and computers provided by the IRS.

Loyola Law students exclusively staffed two tax preparation sites—one at the Immaculate Conception Church across the street from the Law School campus and one at the Felicia Mahood Senior Center in West LA. In return for their participation, Loyola Law students received pro bono credits required for graduation.

As the tax filing deadline neared in April 2005, Loyola’s VITA volunteers often found themselves preparing up to 30 returns in four hour client sessions. Despite the hard work, they considered it time well spent, Blanco said. “Students tell me again and again that the work is rewarding and fun, especially when they find a tax refund for a happy client!”

# STUDENT PROFILES



**Shlomo Sherman '05** was nervous about fitting in at Loyola—an orthodox Jew with a skullcap and full beard, he was timid on his first day on campus. His fears were allayed after his first class, however, when a classmate

approached him and began a conversation. Recalling that moment, Sherman said, “I remember being touched by his total lack of intimidation of my appearance.” Since then, Sherman has felt at home at Loyola, finding camaraderie, scholarship and a career.

Sherman also found the campus and professors welcoming. “The campus is amazing—everything is state-of-the-art. The library is better than any other I’ve seen.” He lauds his professors, identifying a few for special praise: “I will keep in touch with Professor Nockleby for years to come. He has been incredibly supportive and encouraging, and I would typically leave his office feeling like a million bucks. Professor Lash’s teaching style is incredible. It kept me on the edge of my seat and opened my eyes to current events. Professor Levenson has become a personal friend—she attended my son’s birthday party and created a culture of friendship and openness. She was instrumental in making my law school experience so positive.”

Another of Sherman’s professors played a key role in launching his legal career. Professor Schechter, who Sherman calls a “bankruptcy guru,” was instrumental in securing him a job offer in a bankruptcy firm in Las Vegas. For this, Sherman is understandably grateful, saying, “Schechter is an incredible professor—he is clear and patient. Even so, his open and active support for me took me by surprise, and I was not expecting the extent to which he became an advocate on my behalf.” Despite Schechter’s assistance, Sherman still found the job hunt nerve-wracking, and turned to an old hobby to alleviate the stress—cartooning.

Sherman, a life-long Californian, is looking forward to the move to Las Vegas, and to the opportunity to litigate in federal court. Out in the desert, he will remember his time at Loyola fondly: “I truly enjoyed my experience at Loyola, and I find it difficult to imagine that there are schools that are much better.”



Long dedicated to serving the public interest, avid runner and reader **Brianna Fuller '05** is well on her way to a stellar career in public interest law.

While an AmeriCorps volunteer at an immigration law center in San Diego, Fuller was encouraged by its director, a Loyola alumnus, to apply to Loyola Law School. When she heard that Loyola offered her a Public Interest Scholarship, she immediately decided to attend. “I knew that the scholarship would open up so many options, and I would not be saddled with debt. I visited the campus and I loved it. I decided it was the right place for me,” Fuller remembers.

A member of the class of 2005, Fuller said, “I’ve had such a rich experience here. Loyola has a great public interest support system. Through the Public Interest Law Foundation, I volunteered with several non-profits and the experience reminded me why I wanted a law degree. Its director, Sande Buhai, gave me endless counsel on building a career as a public interest junkie!” Fuller also had high praise for Professor Gary Williams, saying “Williams teaches one of the best classes on campus—Civil Rights Litigation—and really trains students to effect social change through law and litigation.”

Fuller especially appreciated her experience with two Loyola externships. Her work with Judge Harry Pregerson of the Ninth Circuit, she said, “allowed me to sit at the feet of a great legal

mind and a great humanitarian.” Her service with garment workers, through legal services organization Bet Tzedek, opened her eyes to a different world. Of her time there, she said, “It threw me into a world I had not known previously—the seedy underground of Los Angeles.” With Bet Tzedek, Fuller worked on a case with a dozen garment workers. She researched the defendants—often with nothing more than a clothing label to point her in the right direction—and tracked down their locations, owners and assets. She later participated in settlement negotiations with defendants, and aims to be a part of the team that represents the workers at a full hearing. “This work introduced me to a world I never knew existed in this country and gave me a chance to see the slow turn of the wheels of justice,” Fuller said.

Fuller clerked for Judge Pregerson after graduating, and will begin work with a Los Angeles law firm following that. She looks forward to building a long-term public interest legal career, and hopes to continue to publish scholarly articles. Yet, like many recent law school graduates, she eagerly anticipates returning to a previous pleasure—reading books of all kinds, even trashy fiction!



A former ballerina, **Amelia Miller '06** still finds time to dance—it takes her mind off the pressures of law school and provides an artistic outlet. Aiming for a legal career in Southern California, Miller would eventually like to work as a policy advisor to a politician.

Of her time at Loyola, Miller says, “I couldn’t be more pleased with my experience. My professors are brilliant, and I am always amazed by how their minds work. Yet they are all so approachable—they all know your name, you can sit down in their offices just to chat, they remember things about you. I know I will always be able to call them up with a question about the law, and that’s a comforting feeling.”

Miller has also been impressed with her colleagues, noting, “My fellow students are extremely intelligent, and I often wonder how they think up such smart questions during class! Everyone is friendly, and they do not let concerns about grades and rankings get in the way of friendships.”

Miller worked for Gibson, Dunn & Crutcher during the summer of 2005, an experience that allowed her to become familiar with many different areas of the law. As she wraps up her legal education at Loyola Law, this East Coast transplant looks forward to making a home in Southern California with her fiancée and Greta, her cocker spaniel.



A guitarist and songwriter for two bands—Urban Family Dog and If Six Were Nine—**Joshua Geller '06** appreciates how Loyola emphasizes both the nuts and bolts of legal practice and legal theory.

Geller came to Loyola Law School following a career in the technology industry, and found that the combination of his work experience and the class material allowed him to appreciate how legal theory and practice intersect. As worthwhile as his classes have been, he noted that the friendships he made here are even more valuable. “Everyone at Loyola works for success, but not at the expense of collegiality. I know I’ll always have a trusted defense attorney handy for emergencies, as well as someone to negotiate my music contracts and advise me on real estate investments!”

The third year student is aiming for a career in venture finance or investment banking, saying, “I love the energy and excitement of new businesses and I enjoy working with creative, entrepreneurial types. I’m also really interested in energy policy, real estate development, technology and music.”

Geller took full advantage of the international programs at Loyola—he studied in Costa Rica and in Argentina. He used his time abroad well, taking the time to travel to Ushuaia in Patagonia, the southernmost town on the planet.

Geller credits his music with keeping him sane through his three years in law school, but sums it all up by saying, “My experience at Loyola has been nothing short of outstanding.”

# INSIGHT ON THE EVENING DIVISION

## FACULTY COMMITTEE INTERVIEWS EVENING DIVISION STUDENTS

By Professor Christopher May  
Loyola Law School Los Angeles

**Last September, Dean David Burcham asked the Dean's Advisory Committee to take a look at the Law School's Evening Division program. His goal was to see if there were ways to strengthen the program and to make sure it continues to play a central role in helping the Law School achieve its mission. The committee was very excited by the prospect. Its members—Professors Jean Boylan, Brietta Clark, Allan Ides, Chris May, Dan Selmi, Fred Tung and Georgene Vairo—are enthusiastic supporters of the Evening Division program which, over the years, has produced some of our finest graduates and most outstanding attorneys.**

The special role that Loyola's Evening Division plays is highlighted by the fact that when the Law School began in 1920—then under the name of St. Vincent's School of Law—it was an exclusively Evening Division school and would remain so for the next ten years. In 1930, when the Law School decided to move from its original site on Venice Boulevard to downtown Los Angeles, it was for the purpose of opening a Day Division.<sup>1</sup> Some will note the irony of this—under Fred Lower's deanship in the 1970s, the Law School decided to remain downtown, rather than move to Westchester, in large part because a downtown campus was deemed critical to preserving a strong Evening Division. Thus, a decision originally made with the Day Division in mind was later reconfirmed because of what it promised for the evening program.

The Law School's Evening Division continues to fulfill its mission of affording the opportunity for a legal education to those unable to attend law school on a full-time basis. Yet to maintain the quality and reputation of our Evening Division, the Law School has had to make some critical adjustments over the years. One of our guiding principles has been that to preserve the integrity of the Evening Division, its graduates must always be viewed as fully equal to their day counterparts. The steadily improving qualifications of our day applicants, coupled with a steady nationwide decline in the number of quality evening applicants, forced the Law School gradually to reduce the size of the Evening Division. In 1974, our entering class was comprised of roughly 245 day students, divided into three sections, and 195 evening students, divided into two sections. By contrast, today's first-year evening class consists of only about 80 students—less than half its size thirty years ago—and our current fourth-year evening class, whose members completed their degree requirements in December 2004 or May 2005, contains fewer than 70 students.

Besides reducing the size of the Evening Division class, the Law School has admitted to the evening program an increasing number of students whose first choice was to attend the Day Division, but who in the end were willing (and most of them happy) to become part of the Evening Division. This change in our evening admissions profile raised concerns, for the program's original purpose was to afford an opportunity for a quality legal education to "traditional" evening students whose financial needs or care-giving duties

1. To read more on Loyola Law School history, see Gerald T. McLaughlin, *Loyola Law School: A Sense of Purpose and a Sense of Mission* (2000).

prevented them from attending law school full-time. Yet without making some adjustments, the evening program might well have disappeared entirely.

In light of these dramatic changes in the Evening Division, the Dean's Advisory Committee decided that a good place to begin would be to interview as many of our current fourth-year evening students as were willing to meet with a committee member. We were interested in learning how these students came to be enrolled in the Evening Division, what they did while attending law school and what their perceptions of the experience have been. To our knowledge, this is the first time in its history that the Law School has made an effort to meet individually with the members of a graduating class, be it day or evening, to talk with them about their time at Loyola.

The opportunity to talk individually with these students turned out to be as rich and rewarding as it promised to be. At the time of publication, the committee had not yet completed the process, but as of April 1, its members had interviewed over 65 percent of the fourth-year evening class and a number of interesting—and some very rewarding—things were found:

- | An overwhelming majority of these evening students were very positive about their years at Loyola, and virtually all of them were, in the end, glad that they were part of the Evening Division program;
- | It is increasingly difficult to describe a “typical” evening student or to distinguish them from their day counterparts, for those who now elect the Evening Division do so for a remarkable range of reasons, often involving a balancing of work, law school, family, friends and other personal needs;
- | Many who had initially preferred the Day Division but were admitted to the Evening Division quickly donned the garb of “traditional” evening students by taking on full- or substantial part-time employment during law school;
- | Most of those with whom we spoke thought the Evening Division's mixing of “traditional” evening students with some who had originally hoped to attend the day program enhanced their overall educational experience;

- | Students were uniformly impressed by the quality and dedication of the Law School faculty, many commenting on their professors' sensitivity to the Evening Division's special needs;
- | Evening students were generally quite positive about their ability to obtain jobs in the areas in which they are interested;
- | While there were many useful suggestions as to how we might improve the Law School's services and programs, students had a very high regard for the competence and humanity of the Law School administration and staff;
- | Some evening students who worked full-time during their first two or three years of Law School were able to scale back their work hours in their final year or two and/or shift from non-legal to some type of law-related work;
- | These students suggested that the Law School might increase the number of elective courses available to evening students and that it offer more late afternoon classes available to day and evening students alike;
- | Most of the students with whom the committee spoke hoped that Loyola would succeed in recruiting more “traditional” evening students so as to preserve the Evening Division's mission of making a first-rate legal education available to those who are unable to attend law school full-time.

When the Advisory Committee completes its work, it will prepare a report for the dean. That report will include recommendations based on the committee's observations and findings, and on the many valuable suggestions made by our graduating Evening Division students who were generous enough to share their time and their insights with the Committee's members.



# Loyola Law

## GOLD STEPS DOWN AS ASSOCIATE DEAN

### WORKED DILIGENTLY TO ENHANCE ACADEMIC REPUTATION OF SCHOOL

At the end of the 2004-05 academic year, Professor Victor Gold stepped down as associate dean. Looking back on his five-year tenure, he said the experience was extremely valuable, although he looked forward to dedicating more time to teaching, researching, stamp collecting and to a visit to Eastern Europe.



VICTOR GOLD

About his time as associate dean, Gold said, "I learned so much about Loyola, even after teaching here for sixteen years. It was tremendously valuable—I've become a better teacher because now I really understand how the school works."

Gold credits his colleagues David Burcham, dean, and Michiko Yamamoto, associate dean, with making the experience so terrific. "Dave is a great leader who inspires you to try to be a great leader too, and Michi is the most competent, fun and responsible person I've ever worked with." Dean Burcham reflected on Victor's tenure, saying, "Victor will be sorely missed, although his gifted teaching ability will be much appreciated by our students. He has exhibited superior leadership skills over the last five years, and on behalf of all our students, staff and faculty, I express my deep gratitude."

During his five years in the job, Gold focused on strengthening the national academic stature of Loyola Law, recruiting top-notch new hires and encouraging faculty research.

Over the summer, freed from his bureaucratic burdens, Gold and his wife Kim Zeitlan toured Poland and Russia on a trip organized by Zeitlan for Temple Emanuel, in which both are active.

When he returns to Los Angeles he will turn to his research and hobbies—he'll focus on drafting the second edition of his evidence texts and on his stamp collection. An avid philatelist since he was a kid, Gold regularly scours Ebay for early American stamps.

About his tenure as associate dean, Gold said, "I learned so much about Loyola, even after teaching here for sixteen years. It was tremendously valuable—I've become a better teacher because now I really understand how the school works."

Gold says he'll miss the job—it was often stressful, but 98% of the time it was great: "A real benefit of this job was getting to know the staff. They're terrific, and it was a privilege to know them better." In fact, Gold has some advice for fellow professors, "Taking yourself out of your academic cocoon makes you feel happier and healthier, and I'd recommend this job to all my colleagues."

## MEET LOYOLA'S NEW DEANS

ELLEN APRILL AND WILLIAM ARAIZA APPOINTED ASSOCIATE DEANS; JOHN HOYT NAMED ASSISTANT DEAN OF ENROLLMENT MANAGEMENT.

This fall, Loyola welcomes three new deans to the school's administration. Appointed by Dean David W. Burcham, faculty members William D. Araiza and Ellen P. Aprill will replace Professor Victor J. Gold, who returns to the full-time faculty. Gold's position will be split into two: associate dean for academic programs and associate dean for faculty. Additionally, John Hoyt, previously the executive director of student financial and information services, was appointed assistant dean of enrollment management.



ELLEN APRILL

Aprill, the new associate dean for academic programs, is charged with managing academic symposia, LLM programs, law reviews, clerkships and summer programs. "Dean Aprill has done a splendid job administering our graduate tax program," Burcham said. "She brings strong administrative skills to this important position."

Aprill joined Loyola in 1989 and was appointed director of the Tax LLM Program in 1999, a position in which she served until October 2003. The John E. Anderson professor of tax law, Aprill graduated from Georgetown University Law Center, earning her JD magna cum laude. She clerked for Byron R. White, associate justice for the US Supreme Court, and for John D. Butzner, Jr. of the US Court of Appeals for the Fourth Circuit. Aprill also has an MA from UCLA, where she was a Woodrow Wilson fellow.

Despite Aprill's aptitude for legal studies, she does not come from a family of attorneys or educators. "Neither of my parents finished college, and it was an adjustment for them to have a daughter who wanted to pursue a profession," said Aprill. "When I was going to apply for a Supreme Court clerkship, my father worried it was a waste of my time because we were 'nobodies from nowhere.' There are times when America really is the land of opportunity."



WILLIAM ARAIZA

Araiza, the new associate dean of faculty, will take responsibility for the adjunct faculty, class scheduling, faculty workshops and student academic matters. "Dean Araiza is a well-respected member of our faculty," stated Burcham. "He served with distinction as chair of the Faculty Appointments Committee for the past several years, and I am excited that he is joining our administrative team."

William Araiza came to Loyola Law School as an associate professor of constitutional and administrative law in 1995, and became a full professor in 1999. A graduate of Yale Law School, Araiza clerked for David Souter of the US Supreme Court and William Norris of the US Court of Appeals for the Ninth Circuit. He has an MS in international relations from Georgetown University, and studied at the London School of Economics. Prior to joining Loyola, he was an associate at Heller, Ehrman, White & McAuliffe and at McCutchen, Doyle, Brown and Enersen.

An engaging and friendly guy, Araiza is passionate about sports and loves dogs. He and partner Steve Schneider, a psychologist, have two puppies, Thelma and Louise, who were adopted from an animal shelter. Araiza first thought about law school thanks to a friend in graduate school. "I realized I had a knack for and interest in the skills he was using in his law courses," says Araiza. "I continued in my graduate program and worked in banking for a few years. After a couple of years of that, I earned my JD."

"I taught at a number of schools," says Araiza, "and what I find so appealing about Loyola is the quality of the faculty, their lack of pretension and their commitment to both teaching and scholarship. The student body is also first rate, and its diversity is a real strength." Regarding his new appointment, Araiza says, "The Law School has made enormous progress in the last few years. I hope

Mark your calendars!

# WCTEO

## Ninth Annual WCTEO— Western Conference on Tax Exempt Organizations

November 17 & 18, 2005

Omni Los Angeles Hotel  
at California Plaza

Who should attend:

- Attorneys
- Accountants
- CEOs and CFOs of  
Tax Exempt Organizations
- Directors and Trustees of Nonprofit  
Organizations

Co-sponsored by the  
Internal Revenue Service  
and Loyola Law School

<http://events.lls.edu>

to follow up on that success, to build on our strengths and continue to progress in the direction in which Dean Burcham is leading us.”



JOHN HOYT

New among the roster of assistant deans is John B. Hoyt, named assistant dean of enrollment management. Hoyt first joined Loyola as director of financial aid and student accounts in 1992, and was later promoted to executive director of student financial and information services. As assistant dean, he is the primary decision-maker and goal setter for three student service departments: the Offices of Admissions, Financial Aid and Student Accounts. Hoyt understands how important financial aid is, remembering, “In my first year at UCLA, I got a job as a work-study student in the Financial Aid Office,” he said. “All my financial problems were resolved, and 26 years later, I’m still in the financial aid business.” Hoyt will play a key role in fashioning a strategic plan to achieve optimal enrollment goals for the Law School, and will regulate distribution of over \$35 million in student aid.

Prior to joining Loyola Law, Hoyt worked at UCLA. He has a BA in political science from UCLA and an MBA from Loyola Marymount University. He and his wife of 20 years, Cathy, have two children. Maggie, a National Merit Scholarship finalist, is a freshman at Brigham Young University and David is a musician and artist.

Smart, efficient and wise leadership is vital to Loyola Law School’s future, and these three new administrative appointments reflect not only the Law School’s growth, but also its commitment to a stellar future.

## LOYOLA WELCOMES NEW LIBRARY DIRECTOR



DANIEL W. MARTIN

Loyola Law School welcomes Daniel W. Martin as its new library director and professor of law. Martin, who came on board in August 2005, said of his appointment: "I felt honored to be offered the position. Absolutely every-

one—from the security guard in the parking structure on up to Dean David Burcham—is most friendly and helpful. I couldn't feel better about my decision to move to Loyola Law." Martin replaces Professor Robert J. Nissenbaum, who left Loyola in July 2004 to serve as director of the law library at Fordham University School of Law.

Martin joins Loyola from Pepperdine University School of Law, where he was associate dean for library and information services and professor since 1989. Prior to Pepperdine, Martin worked at Wright State University library, Indiana University School of Law library and the University of Texas School of Law library. "I've always felt at home in libraries," says Martin. "As a kid, I practically lived in the library. I worked there as a page, doing everything no one else wanted to do. It didn't occur to me until December of that year why the aging, all-female staff was glad to hire me. On the day of the first snowfall, I received a wake-up call to come shovel the library's sidewalks before school!"

Martin's initial plans for Loyola's library will be to concentrate on library administration. "I want to settle in and become accustomed to the culture, the work flow and the personalities before I begin to think about any possible changes," said Martin. "One of my goals will be to acquire some of the digital legal collections that will help faculty with historical research."

Martin earned his BA from Cedarville College, his MA in library sciences from Indiana University and his JD from the University of Texas. He was inspired early in life by his mother, a legal secretary. "I think I always wanted to be a lawyer," he says. "It wasn't until I was out of college and working in libraries that it occurred to me that I could combine the two professions and be a lawyer and a librarian."

Martin's wife Kathi Stafford is also an attorney, practicing law for more than 25 years. She also is a violinist, pianist and poet. The couple has two adult children—Andrew is a music major and Elizabeth is a pre-med student, both at Pepperdine. Martin admits, though, that the family cat, Kitty, runs the household.

Martin, a table tennis fan, hopes to establish a regular table tennis tournament at Loyola. His other interests include touring libraries and working on computers, but one of his greatest passions, naturally, is reading—especially mysteries. "Once I find an author I like, I read everything by him or her. I've done that with Dick Francis, Lawrence Sanders, Donald E. Westlake (including all his pseudonyms), Sue Grafton, Janet Evanovich and others. None of these are very cerebral, but they're all a lot of fun. My new favorite author is Robert Tanenbaum, a California lawyer." In non-fiction, Martin focuses on religion. "One excellent book I read last winter was *The Spiritual Exercises of St. Ignatius*. I was already well into this book as the Loyola interview process started, and I viewed this as a positive sign because of the school's connection to Saint Ignatius of Loyola, founder of the Jesuit Order."

At Loyola, Martin will oversee one of the largest private law library collections in the Western US, with a modern facility (the library was renovated in 1999 at a cost of \$8.5 million) and a state-of-the-art computer research center. The William M. Rains Library at Loyola has nearly 560,000 volumes and the eighth largest acquisitions budget of any law school in the US.

Professor David Leonard, who chaired the committee that selected Martin, said: "I am pleased that Dan Martin accepted our offer. Seeking a new library director could have been difficult, but the committee members were confident that the reputation of Loyola Law School would bring us some terrific candidates, and we were correct. With the selection of Dan Martin, both the faculty and the library staff can look forward to further evolution in the library's collection and the services it offers."



## IN MEMORIAM

**Johnnie L. Cochran, Jr. '62** passed away in March 2005. An avid advocate of victims of police abuse, Cochran gained world-wide fame for successfully defending O.J. Simpson. Loyola Law School Dean David W. Burcham said of Cochran, "Johnnie was an extraordinary lawyer and human being. He was an intensely loyal alumnus and took a great deal of interest in legal education. Our students benefited greatly from his numerous visits to campus."

Cochran won victories in landmark police misconduct cases and defended high-profile clients, in addition to O.J. Simpson, like Michael Jackson, actor Todd Bridges, rappers Tupac Shakur, Sean "P. Diddy" Combs and Snoop Dogg and Black Panther Elmer "Geronimo" Pratt. After graduating from Loyola Law School, he began his legal career as a deputy city attorney in Los Angeles criminal court, and entered private practice by co-founding Cochran, Atkins and Evans. Cochran returned to public service in 1978 when he became the first African-American to be named assistant district attorney in Los Angeles. In 1981, he founded the Law Offices of Johnnie L. Cochran, Jr., specializing in civil rights, personal injury litigation, criminal defense, sports, entertainment and governmental affairs.

Dedicated to community service, Cochran's contributions to the community include the Johnnie L. Cochran, Jr. Scholarship at UCLA,

the Johnnie L. Cochran, Jr. Center for Early Learning at the Second Baptist Church and Cochran Villa, a 10-unit complex of low-income housing. Throughout his career, he received multiple accolades and awards for his professional and philanthropic achievements.

Dean Burcham concluded, "I would place him at the top of understanding the way juries think and what impresses them and what motivates them. He was just a star at that."

**Gerald Rosen**, Loyola Law School professor emeritus and interim dean (1981-82), died at the age of 92. Rosen passed away in Belgium, where he was living with his wife. Rosen's relationship with Loyola was long and fruitful. He joined the faculty in 1971, and was the obvious choice for dean when Dean Theodore Bruinsma unexpectedly resigned. During Rosen's tenure, the *Loyola of Los Angeles Entertainment Law Review* was established and Loyola began requiring a lawyering skills course still in existence today: Ethics, Counseling and Negotiation. During the 1981-82 academic year, Rosen oversaw a national search for a new dean, and the faculty chose Arthur Frakt from Rutgers Law School. Following his tenure as dean, Rosen returned to the full-time faculty for two years and then retired.

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